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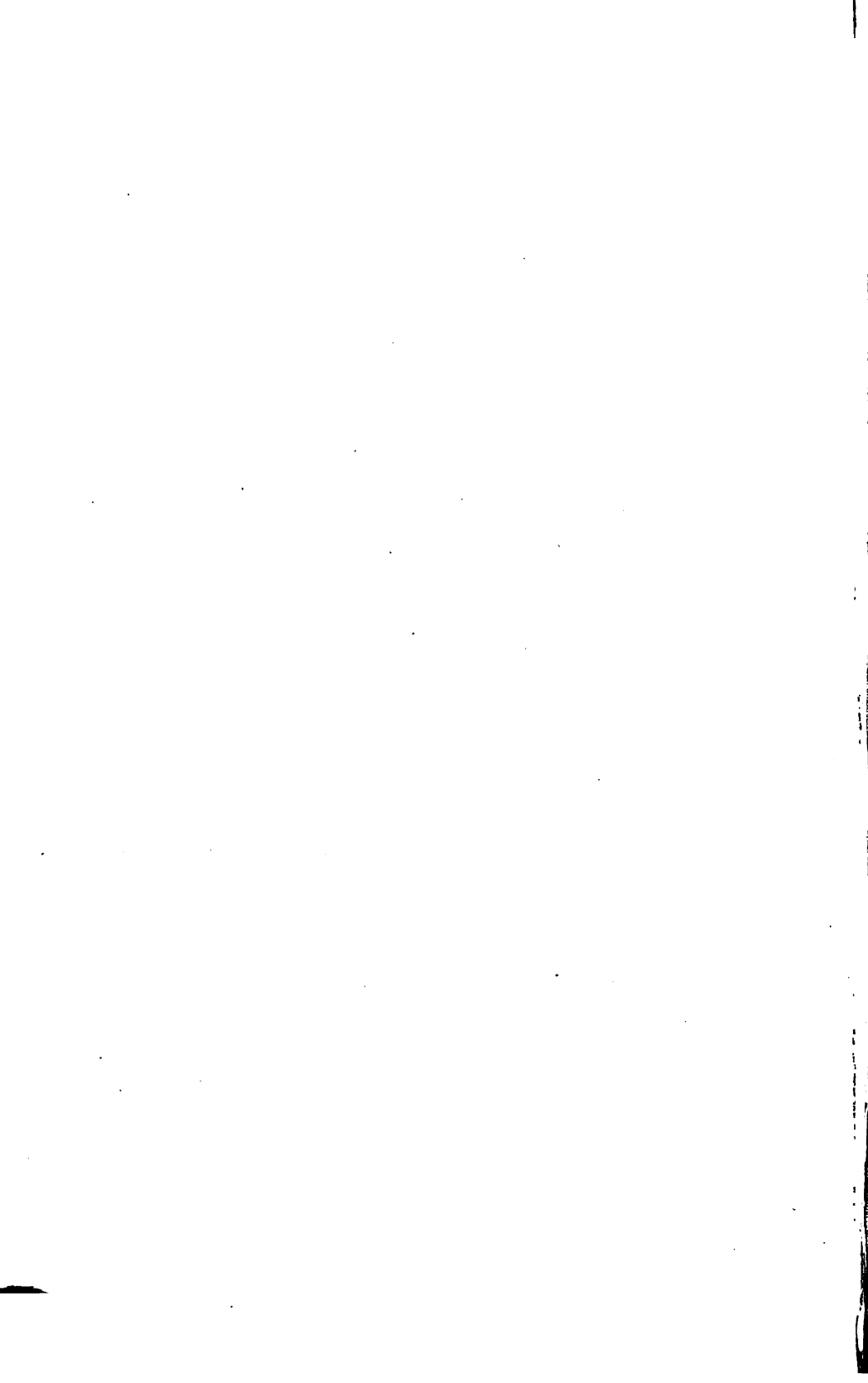
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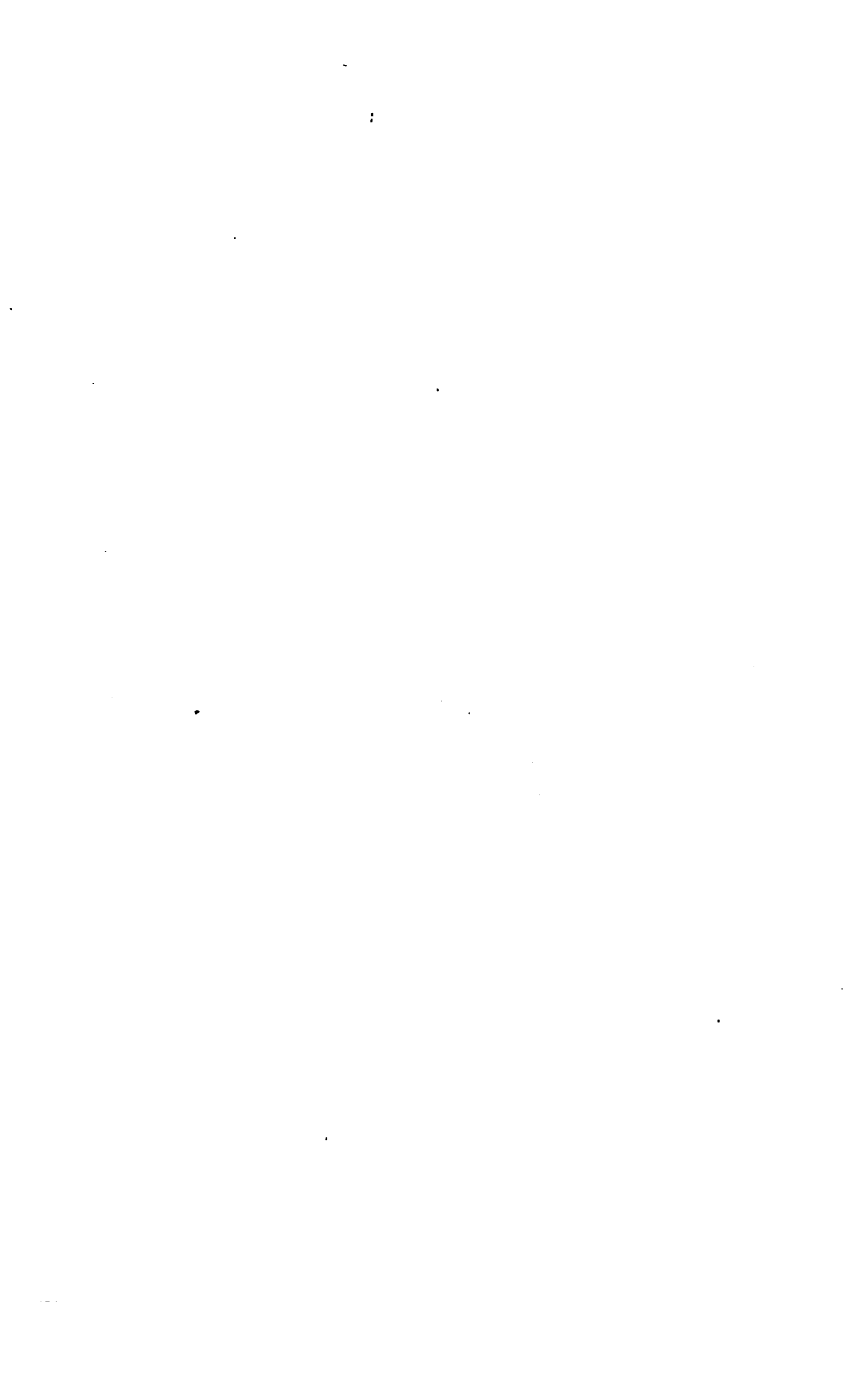


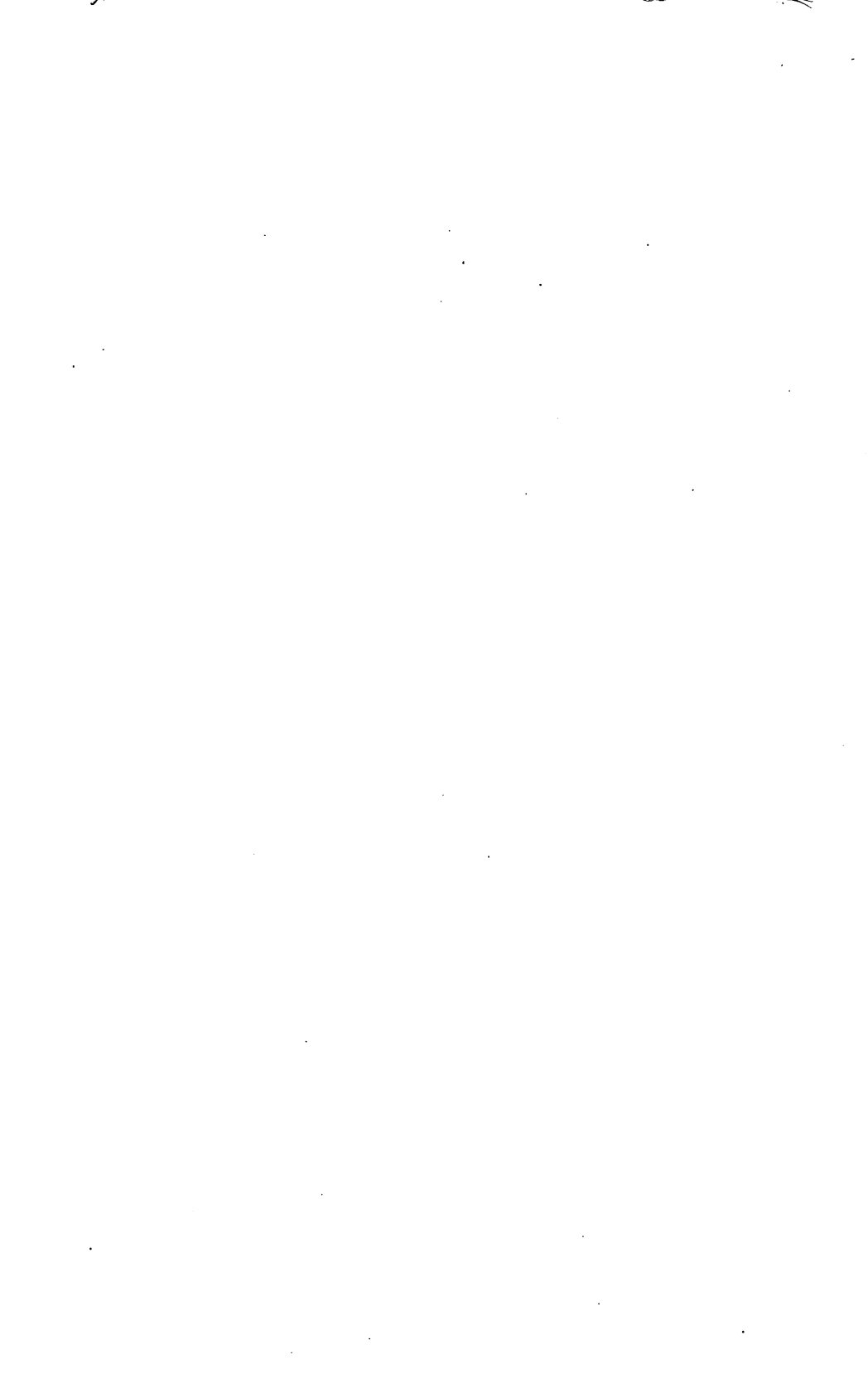
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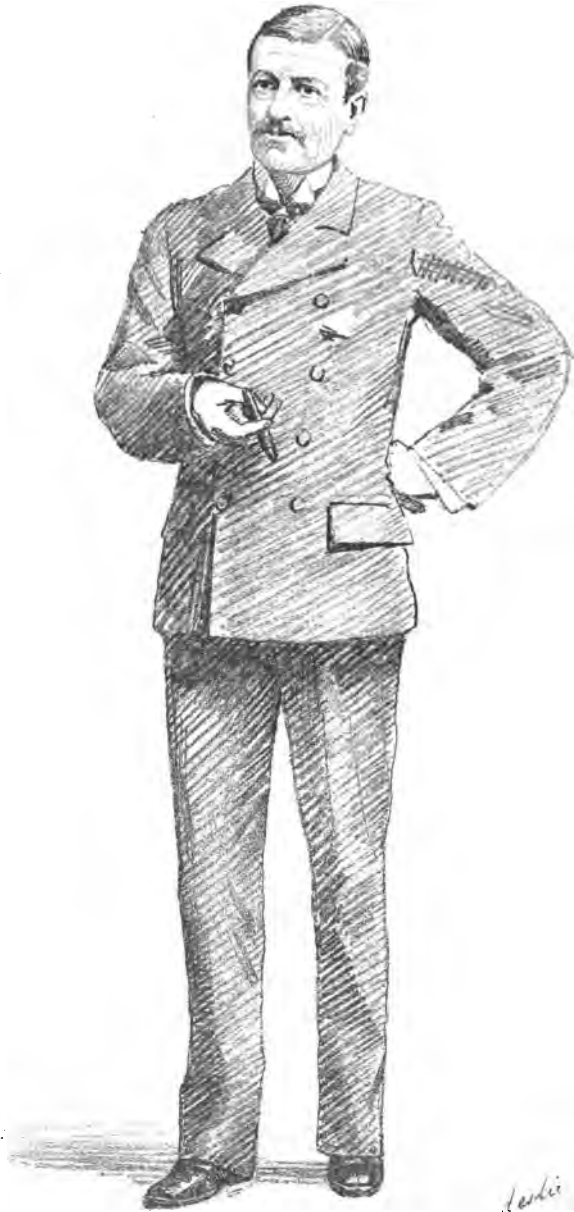
# LEAVES OF A LIFE

BEING THE

REMINISCENCES OF MONTAGU WILLIAMS, Q.C.









# LEAVES OF A LIFE

BEING

THE REMINISCENCES OF  
MONTAGU WILLIAMS, Q.C.

*St. Stephen*

IN TWO VOLUMES

VOL. I.

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**Dedication.**

TO THE BEST AND GENTLEST OF HER GENTLE SEX ;—  
BUT FOR WHOSE FAITHFUL FRIENDSHIP IN THE SPRING OF 1886  
THIS LIFE WOULD NOT, IN ALL PROBABILITY,  
HAVE BEEN SPARED ;—  
THIS BOOK IS MOST GRATEFULLY DEDICATED.

9, *Aldford Street, Park Lane.*

*Jan. 1st, 1890.*



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# LEAVES OF A LIFE.

## CHAPTER I.

HÆC OLIM MEMINISSE JUVABIT.

My birthplace—A legal family—My father's one idea—We move from Somersetshire to Berkshire—Our quaint old house in the Cloisters at Windsor—Neighbours and friends—Visit of Lord George Loftus—Why he came amongst us—His habits and customs—Running up to London—How his lordship was "done"—Eton—Some popular "Tugs"—The last Eton "Montem"—The scene in the grounds—Levying "Salt"—Her Majesty's contribution—Why the institution perished.

WHEN a person is about to give evidence in a Court of Justice, he is sworn to tell the truth, the whole truth, and nothing but the truth. Now this is precisely what I am not going to do. The truth and nothing but the truth? Yes. The whole truth? No. My purpose is to run over certain pages in the history of a somewhat varied and eventful life, to describe things that I have seen, and to tell anecdotes of men of note with whom I have, from time to time, been associated. It will be my earnest endeavour, while so doing, to write nothing that can wound the

susceptibilities of the living, and to tell naught of those that have passed away, save the good things that should live after them.

I was born at Freshford, in Somersetshire, on the 30th September, 1835, the *locus in quo* a small cottage outside the gates of Stoke, the country residence of my great-uncle and godfather, Stephen Williams. He was a barrister in considerable practice on the Western Circuit. His only children were two daughters: Ellen, a very beautiful girl, who was burnt to death while dressing for one of the Bath balls; and Nanno, who married Colonel, afterwards General, Maitland, and was the mother of the present Earl of Lauderdale.

My family has been steeped in law for generations. My great-grandfather was a Chancery barrister; my grandfather was senior partner in the firm of Williams, Vaux, Fennell, and Williams, of Bedford Row; and my father, John Jeffries Williams, commonly known as "Little Williams," was on the Oxford Circuit.

My mother, whose maiden name was Jessie Browne, was the daughter of Robert Browne, Esq., who in early youth went out to the West Indies, and settled at Jamaica as a sugar-planter. My father had three children: an elder brother named Mahon, a younger sister named Clara, and myself.

My father, who was an excellent classic, had one idea in his mind that outweighed all others, namely,



to give his two sons the very best education in his power. To further this end, when my brother had reached the age of twelve, my father determined to settle in the neighbourhood of Eton, and, whilst practising his profession as a local barrister, to personally supervise the teaching and training of his boys. In due course we migrated from Somersetshire to Berkshire, and occupied a house in the Cloisters at Windsor, having as neighbours the Rev. W. Knyvett on the one side, and the Dean of the Chapel Royal on the other. It was a quaint and ancient house, celebrated for the old painted-glass window in the drawing-room. On this window was the head of a very beautiful woman, popularly supposed to be Margaret of Anjou.

My brother was at once sent to Eton, and became the pupil of the Rev. W. Lawrence Elliott; while I, under the personal supervision of my male parent, was doomed to worry my juvenile life out over the well-inked pages of the Eton Latin Grammar.

My father's principal friends in those days were Dr. George (afterwards Sir George) Elvey, the organist of St. George's; the Rev. T. Gore, one of the Minor Canons; Tom Batchelor, the lame Chapel Clerk of Windsor, and Registrar of Eton College; and Tom Chambré, the well-known associate of the Western Circuit. The principal people in the neighbourhood on the Windsor side, were Captain Bulkeley of Clewer, whose sister-in-law, the handsome Miss Fanny

Langford, was the belle of the county; Major and Mrs. Mountjoy-Martin; and Horace Pitt, afterwards Lord Rivers. In the Buckinghamshire district were the Vyses, Vansittarts, Fitzmaurices, Coneys, and Wards.

We had been living in the Cloisters some two or three years, when my father informed us that he expected a visitor, who, he added, would probably remain with us for a considerable period. This was Lord George Loftus, one of the younger sons of the Marquis of Ely, with whom my father had been acquainted for some few years. In due time Lord George arrived. His visit, as I afterwards learnt, was due to rather peculiar circumstances.

Those were the days of imprisonment for debt, and if a man, who owed money, was unable to come to a satisfactory arrangement with his creditors, he probably found himself in the Fleet, the Queen's Bench Prison, or one of the other buildings set apart for the detention of insolvent debtors. There were certain privileges, however, granted to these unfortunate persons. For example, it was a rule that nobody should be arrested on the Sabbath day, *i.e.* between the hours of 12 p.m. on Saturday and 12 p.m. on Sunday. Again, any person residing within the precincts of a Royal residence, such as Windsor Castle and Hampton Court Palace, was, so long as he remained within those precincts, secure from the hands of the bailiff, or sheriff's officer. Now, Lord George owed a considerable sum of money, which

he was unable to pay, and, as he preferred his partial liberty in Berkshire to durance vile in London, he quartered himself temporarily with us in the Cloisters at Windsor. He was a good-looking fellow of about thirty, with very pleasant manners, and I am bound to say that he was exceedingly kind to us children. He had a remarkably fine set of teeth, which he was very fond of showing, and he was perpetually repeating, with a knowing shake of the head, "You can't do Lord George!" Now, if ever there was a man who had been bested by all the bill-discounting Jews and post-obit mongers in England, done to death by every conceivable sharp in racing, gambling, etc., it was our self-satisfied but deluded visitor.

Lord George seemed tolerably happy in his seclusion. He used to roam about the Castle Green and Back Hill, and occasionally drop in upon the officer on guard at the Castle Gate. He would smoke any number of the best and most expensive Lopez cigars, either with one or two of the Military Knights, or some chance friend from London, who came down to see how he was getting on. It was his custom to relieve the monotony of his existence by running up to town on Sundays. He would catch the early morning train from Slough (there was no line to Windsor in those days), and return by the last one from Paddington, which just arrived in time to enable him to hurry into the Castle Yard before the fatal stroke of twelve. My father had, over and over

again, endeavoured to dissuade him from running this risk, but, with the usual shake of the head and observation, he obstinately refused to follow the proffered advice.

A year had nearly elapsed since Lord George's advent, when, one Sunday morning, he left in the very highest spirits to pay his customary visit to town. He was to dine with a Mrs. Theobald, then a very celebrated rider with the Queen's hounds, and to meet at her house a few of his intimate friends and racing acquaintances.

Sunday passed in the usual quiet way at Windsor ; the last train arrived—but no Lord George. Early next morning a special messenger came down from town, with the news that his lordship had been arrested, and was in the hands of the myrmidons of the law. It appeared that after a very good dinner, with plenty of champagne and lively conversation, his lordship, looking at the clock on the drawing-room mantelpiece, observed that it was time for him to order a cab and drive to the station. With a hurried good-bye he left, but on arriving at Paddington, judge his surprise to find the train gone, the lights out, and the station shut ! As he was trying to realise his position, two men stepped out from the shadowy darkness of the station, and one of them, placing a hand upon his shoulder, exclaimed :

“ Too late, my lord ! The train has been gone some five-and-twenty minutes. Your lordship is done this time.”

The fair équestrienne and a racing man named Tom Coyle had been acting in collusion with Lord George's principal creditor—the clock had been put back one hour—and the victim passed that night at Slowman's sponging-house in Cursitor Street, Chancery Lane.

My brother pursued his studies in a very satisfactory way at Eton. After passing his examination, he was elected one of the sixty King's Scholars, or, as they were commonly called, Tugs, a name arising from the fact that they were fed upon no meat but mutton, which was not always of the tenderest description.

It is nearly four centuries and a half since the College of the Blessed Mary of Eton was founded by King Henry VI. Its endowment was mainly derived from the alien priories suppressed by Henry IV., and its original foundation consisted of a Provost, ten priests, four lay clerks, twenty-five poor scholars, and five beadsmen. By successive benefactions and the rise in the value of property, its revenues gradually increased from £652, in 1508, to upwards of £20,000, at which they now stand. Many years ago the number of scholars rose to sixty, and at that point it has remained. They are supposed to be the children of poor gentlemen, but of late years they have included in their ranks the sons of noblemen and of eminent statesmen. At the time of which I am writing, not the least popular of the sixty "King's" was my brother, familiarly

known among his fellows as "Shiny Williams." Boudier, Bumpstead, Gwynne, Mackerness, Joynes, the Polehamptons, and the Brownings, were among his co-Tugs; while conspicuous among the Oppidans were De Bathe (now Sir Henry), the best-looking fellow I think I ever saw; Charlie and Fred Coleridge, Bailey, Chitty (Mr. Justice), McNiven, Astley, Whymper, and many others who have since done something to inscribe their names in the Book of Fame.

It was during my chrysalis state—while I was reading up for the purpose of treading in my brother's footsteps, and being admitted as a scholar upon the foundation—that I was present at the last Eton Montem, an experience I shall never forget. Montem took place once every three years. It was originally founded, I believe, for the benefit of that Colleger who in his year attained the highest place in the school, but who, by reason of no vacancy occurring before the time of his superannuation, had not the luck to be sent up to King's College, Cambridge. All the money that was taken, under the short and peculiar name of "salt," passed into his pockets on the day that he left, and was supposed to go a long way towards paying his expenses either at Oxford or Cambridge. The amount collected was sometimes as large as £1,000, and even as £1,200.

The boys—or rather, those whose fathers could afford the outlay—were arrayed for the day in all sorts

of fancy costumes, some of a beautiful and costly description. You might see the Courts of Charles I. and Louis Quatorze assembled in the Playing Fields, while Captain Macheath, Sir Brian de Bois Gilbert, and Sir Walter Raleigh might be encountered wandering by the banks of the Thames, in Lower Shooting Field. The boys of the Fifth and Sixth forms were dressed as follows: the Oppidans in red coats with brass buttons (on which were stamped the Eton arms), white waistcoats, and white trousers; the Collegers in what looked like blue naval uniforms. The Lower boys were dressed in Eton jackets with the Eton button, white trousers, and white waistcoats, and in their hands they carried thin white wands.

There was a certain number of Sixth Form, or Upper Division, boys who wore fancy dresses, and acted as salt-bearers. They carried large silken bags, into which they put the money collected from visitors and passers-by. The donors received in return for their contributions a little piece of blue paper, on which was inscribed the motto for the Montem of that particular year. The motto for the last Montem was *pro more et monte*; that for the last but one, *mos pro lege*.

Royalty itself was not free from the tax. Two "salt-bearers" were stationed on Windsor Bridge, and when the Queen drove down the hill—and she never missed a Montem—the elder of the two stepped forward, stopped the carriage, and, taking off his hat, with the words, "Salt, your Majesty, Salt," placed

under contribution the highest and noblest lady in the land.

In the afternoon there was a regular fête in the Playing Fields. The enormous tent captured from Tippoo Sahib, which had been lent from the Castle, was erected as a refreshment booth. At noon all the boys formed themselves into a procession, and marched from the College Yard to Salt Hill, the mound from which the festival took its name. Here Montem was buried with all due pomp and solemnity.

Montem was an expensive custom to keep up. In the first place, the masters, dames, and Fellows had to entertain the numerous visitors whom the occasion brought together; in the next place, the parents of the boys were put to a considerable expense in the matter of fancy costumes. Murmurs arose from both quarters, and thus it came about that, like many another fine old institution, Montem breathed its last. *Sic transit gloria mundi.*



## CHAPTER II.

ILLE TERRARUM MIHI PRÆTER OMNES ANGULUS RIDET.

More about Eton—School persecutions—Cricket and football matches, and what followed—I am elected a King's Scholar—The masters—Concerning Bursar Bethell—How we rang old Plumptree's bell—"Sock" shops—Spankie's love for the aristocracy—Heroism of a fag—"Cellar" and "Combie"—The "long glass"—Persons we patronised—My tutor—The nicknames he gave us—His method of punishment—Threepence or half a sheep—Impudence of young Seale-Hayne—The præposter—Story of Dr. Keate—My only flogging—My tutor's version of the affair—The portrait at the Garrick Club.

SHORTLY after the events recorded in the last chapter, my father moved from Windsor Castle to Willow Brook. Willow Brook consisted of three houses on the Slough road, about five minutes' walk from Eton College, and just beyond Fifteen Arch Bridge. Our next-door neighbour, and my father's intimate friend, was Mr. Tarver, the French master at the School. He had three sons: Charles (who was for some time tutor to the Prince of Wales), Harry, and Frank (who succeeded to his father's position).

Long Chamber was in existence in those days,

though it was doomed to be soon pulled down and replaced by the new buildings. The sixty Tugs inhabited Long Chamber, as well as Carter's Chamber, which was underneath it, opposite the Lower School door.

The Eton of those days was very different from the Eton of to-day. I think if a boy had been seen carrying an umbrella or wearing an overcoat then, the umbrella would have quickly found its way to the bottom of Barns' Pool, and the overcoat would soon have worn the aspect of anything but a complete garment. If a lad entered College as a Lower boy, save and except fagging, he escaped most trouble; but if he entered as a Fifth Form boy, he was, during the first half-year, called a Jew and subjected to all sorts of persecutions, being forbidden, among other things, the privilege of sitting at Upper fireplace. The judge and administrator of punishments was called the "High Priest," and at that time the office was filled by one Ben Simmonds (whose real name was Harry), now a staid and respectable banker at Reading, living at a charming place near Caversham, on the banks of the Thames.

One of the torments to which the Jews had to submit was suggestive of the fate of Shadrach, Meshach, and Abed-nego. An enormous paper fire was lighted in the centre of Long Chamber, and the Jews had to jump into it, and dance about, for the amusement of the Sixth Form and Lower boys. Another ordeal

may be mentioned. The neophyte was tied up in his gown, carried to some remote spot—being liberally punished *in transitu*—and there deposited, being left to extricate himself as best he could. These games were carried on after “lock up,” for the Collegers had the range of the School Yard, the Cloisters, the Upper School staircase, and, usually, the Upper School.

How long the tortures lasted depended entirely upon how they were taken. Before he faced the fiery furnace, any one who knew what he was about took care to put on two or three coats and one or two pairs of thick trousers; and as a preliminary to the other ordeal, the wary one put into his pocket a small knife, wherewith to cut open his gown and regain his freedom.

Great nights followed the days on which were played the cricket and football matches between Collegers and Oppidans. No battles were fought with more pluck, energy, anxiety, and determination than those matches, and, if the Tugs were victorious, something like an orgie, I am afraid, prevailed at night in Long Chamber. All the jugs and basins were called into requisition, and the Lower boys were set to work preparing those vessels for the brewing of “gin-twirley,” an innocent kind of gin-punch. Recourse was also had to a barrel of strong ale which had been secretly imported, and which was called “A Governor.”

Lights were supposed to be extinguished before ten o'clock, and at that hour Dr. Hawtrey, then the

“Head,” visited Long Chamber to see that all was quiet. On the occasions to which I have alluded—when the festivities were, as a matter of fact, kept up till nearly midnight—special precautionary measures had to be taken in view of the Head Master’s visit. This is what took place. Hawtrey’s butler, Finmore (who doesn’t remember good old Finney?), accompanied his master on his evening round, and, as they crossed the Quadrangle, on their way to Long Chamber, it was his custom to wave the lantern he carried in his hand. This was a prearranged signal, for which a youngster was on the watch. He was stationed at the head of the staircase, whence, through an iron grating, he looked out upon the Quadrangle. The instant he saw the moving light, he gave the word, and no rabbits ever scampered to their burrows at the approach of a terrier more quickly than the boys—after extinguishing the lights, and without removing their clothes—now bolted to their beds. When Dr. Hawtrey entered Long Chamber, all were snoring and apparently asleep. He went away satisfied, little dreaming that five minutes later the candles would be brightly burning, and a merry festival in progress.

One of our amusements on these occasions was to sing “The Fine Old Eton Colleger,” “Johnny Coke,” “The Mermaid,” and other College songs.

The time that I had so longed for at length arrived. I went into College trials, passed, and was elected a

King's Scholar. I have always said, and I repeat it now, that these were the happiest days of my life. If I had twenty sons, and a sufficiently elastic purse, I should send them all to dear old Eton. What other school can show so remarkable a roll of statesmen? It ranges from Bolingbroke to Gladstone, and includes all the most eminent of the Ministers who have swayed the destinies of this great country from the time of Anne to the Victorian era. Harley, St. John, and Walpole went to Eton, and it was the school of the elder Pitt, the Duke of Wellington, the late Lord Derby, the novelist Fielding, Hallam, Milman, Shelley, and Gray.

When I went into College, Dr. Hodgson was the Provost, and among the Fellows were Wilder, Grover (whose wife was called "Jack"), Plumtree, John George Dupuis, and Tom Carter. Among the masters were Edward Coleridge, Cookesley, Pickering, Harry Dupuis, Goodford, Abraham, Durnford, Balston, Young, Birch, and Johnson. In the Lower School were Okes, Elliott, Luxmore, and John Hawtrey. Bethell was the Bursar. He was a very sententious person, with a loud, sonorous voice, and it was upon him that a celebrated Sixth Form wrote the two following Greek iambs:

*Ξηρὸς διδακτικὸς τε καὶ ῥητωρικὸς  
Μέγας Βέβηλος ὥστε ταῦρος ἐκβοᾷ.*

Their author subsequently translated them into English verse, as follows:

Didactic, dry, declamatory, dull—  
Big Bursar Bethell bellows like a bull.

All the Fellows lived in the Cloisters, and one of the amusements of the Lower boys was, after "lock up," to be perpetually ringing old Plumptree's bell and running away. One day, chancing to find a large bag of soot in the Cloisters, we carried it to Plumptree's door, deposited it just outside, rang the bell, and then hid round the corner. It so happened that the old fellow had been lying in wait for us, and, to our great delight, he at once burst open the door, seized the bag of soot, and, thinking that at last he had grasped his prey, cried out, "Ha! ha! my little Colleger, I've caught you now."

The principal "Sock" shops, as boys call them—where cake, fruit, ices, and such things are sold—were Barnes', near Barns' Pool, and Webber and Knox's, in the High Street. On the path running down the Long Walk, just outside the School Yard, were to be found Bryan's barrow, and the baskets of Spankie, Jobey Joel, and Tulip Trotman, all crowded with such delicacies as delight the youthful palate. Spankie was a character, and he had a strong regard for the aristocracy. Whenever he met a young nobleman, he would take off his hat and bow most obsequiously. He was delighted to give him credit ("tick" we called it), and would remark how, years before, he had enjoyed the proud privilege of doing the same for his lordship's father. The late Duke of Newcastle (then Lord Lincoln), his brother (Lord Edward Clinton), Lord Dungarvan (now Earl of Cork), and Lord Campbell were conspicuous among Spankie's customers. Jobey

Joel—whose principal wares in summer were strawberries and cherries—and Tulip Trotman ministered to the wants of the humbler members of the community. Bryan's barrow was simply a marvel. It contained, in remote corners and hidden drawers, every conceivable luxury—strawberries and cream, lemon and cherry ices, ginger-beer, lemonade, and a compound, sacred to a few, which looked and tasted uncommonly like cherry-brandy.

In those days the "Christopher Inn" was not up town, but stood on the site, and was approached through the same old gateway, as the house where the Messrs. Tarver subsequently taught French. The punishment if you were caught passing through that gateway was a swishing, but this fact did not deter the boys from smuggling into the College many a bottle of Bass and Guinness. On one occasion a fag named Fursden was ordered by a popular Sixth Form to go and fetch half-a-dozen bottles of beer, secreting them in his gown pockets; but he was caught in the act by Judy Durnford, and the next morning he was told that, unless he confessed who sent him on the errand, he would have to go before the Head Master for execution. Nevertheless, like a young Spartan, he maintained a dogged silence, and, when it came to the point, took his punishment like a man. That night he was asked to supper at Sixth Form table.

After two o'clock on Saturdays two feasts were held at the "Christopher," that of the Oppidans being called "Cellar," and that of the Collegers, "Combie." The

feasts consisted of cold collations, with beer, shandy-gaff, etc., and they lasted about half an hour. Before you were permitted to be a party to these festivals, you had to go through the somewhat difficult task of drinking the contents of the celebrated long glass. The probationer was allowed to select whatever beverage he liked, and, if he failed to empty the glass, he was ordered to retire and come up again for trial on a future occasion.

Between Barnes' and Webber's stood the shop of Dick Merrick, the watchmaker. What old Etonian does not remember Dick? He sold clocks, watches, studs, links, pins, rings, etc.; and his principal customers were George Wombwell, "Swell" Jarvis, Billy Peareth, Peyton, Lord Loughborough, Mr. Erskine (Earl of Rosslyn)—a pupil of my tutor's—and many others who were destined to figure in the fashionable world of the future. A little way from Barns' Pool Bridge was "The Tap," kept by Jack Knight. Here, and at Billy Goodman's, Bob Tolliday's, and the Brocas, you might constantly see the familiar forms of Doglardy, Piggy Powell, Long Hill, Tot Wansel, Sparrow-Cannon, Nibbs, and others—persons of considerable importance in our eyes. They taught us punting, swimming, and sports of all kinds; supplied us with dogs and rats, blew our footballs, sold us hockey-sticks, and performed other useful offices.

My tutor was the Rev. William Gifford Cookesley. Who that knew Eton in those days will ever forget



him? Eccentric and kind-hearted, he was the very last man in the world who should have had the moulding of young minds. After Donaldson—subsequently head master at Bury St. Edmund's, and author of the new "Cratilus"—he was, as his editions of "Catullus," the "Poetæ Græci," and "Pindar" show, one of the ablest scholars of his day.

Cookesley called all his pupils by nicknames. Bathurst (now Sir Frederick), who was much more at home in the Upper Shooting Fields, playing cricket, than sitting at the desk composing Greek iambs, he christened *Bathús*; Sothern, a boy remarkable for the prominence of his nasal organ, "Publius Ovidius Naso;" Haywood Minor, the "Sweep"; Whitingstall, who was somewhat of a dunce, the "Professor"; Frank Burnand, who, in some school amateur theatricals, played the King in *Bombastes Furioso*, "Your Majesty"; while I, for some reason or other which I will not stop to inquire into, was nicknamed the "Miserable Sinner."

My tutor had a great dislike to putting his pupils "in the bill," *i.e.* sending them up to the head master to be swished. He preferred correcting them himself, and for this purpose kept in his desk two small thick pieces of gutta-percha, which had been captured from the Captain of his house, and which he called "the Doctor." With these correctives he took summary vengeance upon offenders; and it was clear that he derived a pleasure from so doing.

According to the statute of King Henry VI., on

one day in the year every Colleger was entitled to receive threepence or half a sheep, threepence having been the value of half a sheep at the time the statute was passed. On the appointed day, while the Tugs were at dinner, Bursar Bethell would come into the hall and give each boy a threepenny piece, but never offering him the alternative of half a sheep. On one occasion a small and impertinent young Tug, named Bramwell, when offered the coin, turned round to the Bursar and said :

“No, thank you, sir ; I want my half sheep.”

Bethell flew into an awful rage, and exclaimed :

“I’ll mention this matter to Dr. Hawtrey, and have you flogged.”

After three o’clock school the wretched Bramwell was accordingly sent for, handed over to the two holders-down, and duly punished. My tutor, strolling along the Long Walk, outside the School Yard, late that afternoon, chanced to come across young Bramwell, of whose escapade he had heard.

“Master Bramwell,” said he, “you’re a great criminal. I hear you asked Mr. Bethell for your half sheep, and for that offence have suffered condign punishment. Come and breakfast with me on Sunday. Now, boy, tell me, what would you like for breakfast ?”

“Please, sir,” said the young offender, “I should like a goose.”

“You shall have it,” replied my tutor ; and on the following Sunday he kept his word.

While giving the names of the masters, I forgot to mention the mathematical masters, Stephen Hawtrey, *alias* "Stephanos," and dear, good-natured, kind-hearted "Badger Hale," whose cheery countenance is to be seen at Eton still. My tutor, for some reason or other, had a contempt for mathematics, and a particular dislike for Stephen Hawtrey. On one occasion, in the Pupil Room, a boy put the following question to him:

"Please, sir, is it true that Mr. Stephen Hawtrey is to wear a cap and gown?"

Whereupon he promptly replied:

"I think not, sir; more likely a cap and bells."

One Sunday evening several of us were sitting with my tutor in his Pupil Room, engaged in what was termed private business, which, on this occasion, took the form of readings from Whately's "Evidences of Christianity." Among those present was a very fat boy named Palk, the son of the standing counsel of the House of Commons. Now it had happened that a few days before, one of the Brocas cads up town, on catching sight of the stout, ungainly figure of Palk, had cried out: "Ain't he like Dubkins?" the observation being made in the hearing of a mischievous youth named Seale-Hayne, who, by the way, now sits in Parliament for the Ashburton division of Devonshire. Well, as I have said, we were assembled together, quietly discussing the platitudes of Whately, and my tutor—seated at his desk, in slippers and a blue and black draught-board dressing-gown (which I

fancy I can see before me now)—was on the point of explaining the meaning of the author in speaking of Christianity as looking through a glass darkly, when all of a sudden a loud voice outside the window exclaimed :

“ Ain’t he like Dubkins ? ”

My tutor flung away the book, sprang over the forms, bolted out into the streets—in his slippers, and without a hat—and ran for his life after the culprit. Seale-Hayne, however, was too sharp for him, and, as we afterwards learnt, gave him the slip by running down Middleton’s Lane. Cookesley returned in a tremendous rage, and found us all convulsed with laughter. Turning round sharply to me, for some reason, he exclaimed :

“ You miserable sinner, you’re at the bottom of this! Who, sir, is Dubkins? I’ll have you flogged in the morning.” A threat, I need hardly say, that he did not carry into effect.

When any member of the Upper School was punished, the punishment took place in the head master’s room, where the block was kept. The Sixth Form præposter kept the key of the birch cupboard, and superintended the execution. If the culprit were a friend of his, he busied himself, while Hawtreay was giving a preliminary lecture, in picking the buds off the birch. The sufferer was in the hands of two holders-down while the punishment was being inflicted, and the number of cuts was regulated by the gravity of his offence.

I remember a story they used to tell of Dr. Keate, who preceded Hawtrey in his office. In the school were several brothers, named Voules, who were perpetually enjoying the attention of the head master in the flogging-room. One day Charles Voules (afterwards a well-known solicitor at Windsor) presented himself for punishment, in consequence of a misapprehension, it being his younger brother, Voules minor, who should have attended. In vain Charlie pointed out the mistake.

“But you’re a Voules,” argued Keate, “and if you’re not wanted to-day you will be wanted to-morrow;” whereupon he coolly administered the chastisement.

In my own time something of the same sort occurred. At Evans’s there were two boys named Mitford, who resembled one another so closely that it was next to impossible to tell them apart. There was this difference between them, however, that while one suffered acutely during a flogging, the other, from much experience of the birch, had ceased to shrink from its application. The situation suggested a novel proceeding to the brothers. He of the thin skin was one day under sentence of a flogging, but his more callous brother, in return for a pottle of strawberries, consented to undergo the ordeal. He fulfilled his engagement, the fraud being undiscovered at head-quarters.

Only once was I flogged, and then the punishment was unmerited. The circumstances of the case were these. Every boy, when out of bounds, if he met one of the masters, was under an obligation to shirk him,

either by slipping into a shop or alley, or by any other method that offered. It so happened that all the masters wore white ties, and it was by this sign that we were in the habit of recognising them from a distance.

One day when I was up town, I noticed, outside Cayley's, the linendraper's, a four-wheel chaise, in which a gentleman was seated. Mechanically my eye sought his shirt-front, and, perceiving that he wore a thick black tie, I did not hesitate to continue my course. Judge of my surprise, however, on arriving alongside the vehicle, to recognise in its occupant none other than Judy Durnford! It was too late to shirk him, and so, not knowing what else to do under the circumstances, I took to my heels and went up the street as fast as my legs would carry me.

After four o'clock that afternoon, Durnford sent for me. How was it, he asked, that I had not shirked him in the usual manner? Too frightened to weigh my words, I stammered out:

"Please, sir, you hadn't got on a white tie!"

Instantly he was crimson, and, in a tone of awful severity, he exclaimed:

"You impudent boy! You dare to tell me what I am to wear, do you? Very well, sir, I'll have you soundly flogged!" And he was as good as his word, though I had been innocent of any intention to give offence.

When my tutor heard of my punishment, he was highly delighted, for it was a theory of his that

no boy was a genuine Etonian until he had been swished. On entering the Pupil Room he observed to Cook, one of his favourite pupils: "I say, *Μάγειρος*, Master Sinner has got himself into a nice mess. Mr. Durnford has complained of him for impudence; he has, upon my word. What do you think of that, now? He actually told Mr. Durnford that the reason he didn't shirk him, was because he hadn't a white tie on." That was my tutor's version of the affair.

My dear old tutor! The last time I saw him (he died some four years ago) was one morning, as I was returning from Westminster Hall, where a part-heard case had been engaging my attention for an hour or two. Having had no breakfast, I determined to call in at the "Garrick" to get something to eat, and it was just before I reached the club that I caught sight of the well-remembered figure. Cookesley was standing before the print-shop at the top of Garrick Street, studying some illustrations of Charles Dickens' works that were in the window. Hurrying forward, I held out my hand, exclaiming: "Hullo, sir!" (the "sir" is never forgotten). "How are you? What on earth are you doing here?" With a hearty shake of the hand, he retorted: "Why, my dear Sinner, how well you look! I am staying at the Chief Justice's." (He was an intimate friend of Sir Alexander Cockburn, who was himself a polished classic, *homo factus ad unquam*.) "He breakfasted rather too early for me, and so I thought I'd call in at the 'Garrick,' and try and find His

Majesty (Burnand). I'm rather hungry, and I thought he'd give me something to eat; but, my dear Sinner, you'll do as well. Come along."

While something was being prepared for us, Cookesley said:

"I should like to see the pictures. It is a favourite custom of mine to do so whenever I come to town."

I was leading the way towards the dining-room; but he stopped me, saying:

"Not there; upstairs, if you please, in the morning-room."

"But," said I, in surprise, "there are very few pictures there."

"Never mind," he replied, "the one I want to see most is there."

On arriving upstairs, he stopped before the portrait of Nell Gwynne, and with that peculiar smile that sometimes saddened his face, said:

"That is one of the best creatures, my dear Sinner, that ever lived. She *was* a woman, if you like. Now, I'll be bound you don't know why I say this. Are you aware, sir, that when she died, she left a considerable fund for the relief of insolvent debtors?"

I understood it all then; for my poor old tutor had been in pecuniary difficulties all his life.



## CHAPTER III.

QUI FIT, MÆCENAS, UT NEMO, QUAM SIBI SORTEM  
SEU RATIO DEDERIT, SEU FORS OBJECERIT, ILLÂ  
CONTENTUS VIVAT, LAUDET DIVERSA SEQUENTES ?

I leave school—Donation to the head master—How should I earn my living?—I interview Montagu Chambers, Q.C.—I become a master at Ipswich—The work distasteful—I resolve to become a soldier—A commission obtained for me—Eccentric Colonel Sibthorp—Ordered off to Portsmouth—Detachment duty off Tipner—The “Forlorn Hope”—The order from the Horse Guards—Indignation of Sibthorp—Arrival of the recruiting sergeants—I am to go to the seat of war—My new regiment—I proceed to Dublin—A spree: we shave off the whiskers of an ex-pawnbroker’s son—Unpleasant consequences threatened—I eat humble-pie—The affair blows over—I again change my regiment—The fall of Sebastopol ends my hopes—The song I composed, and the reputation it brought me—A consequence of that reputation.

ONE of the verses of an old College song, “The Fine Old Eton Colleger,” runs as follows :

Now, Tugs, like dogs, must have their day,  
And all has quickly past.  
The resignation man proclaims,  
This Tug must go at last.

And so it is with me. Having, to the great disappointment of my father, failed to obtain a

sufficiently high place in my year to be transported to King's College, Cambridge, I was duly superannuated.

It was the custom for the boys, before they left the school, to go and say good-bye to the head master, being then presented by him with a "leaving book." In the case of Oppidans, it was an understood thing that they should place a cheque upon the table, for an amount that accorded with their parents' means.

Dr. Hawtrej, who was the essence of politeness, always affected to be blind to these donations. If it was at the end of the summer term, he would observe, "It's rather warm. I think I'll open the window;" and as he did so, the envelope was duly deposited upon the table. When the next boy who was leaving was ushered in, the same routine was gone through, save that Hawtrej observed: "Don't you think it's rather cold? I think I'd better shut the window."

And thus I left the school I cared for so well.  
*O si præteritos referat mihi Jupiter annos!*

Having disappointed my father by not getting "Kings's" and thus relieving him of a burden, I determined that, if possible, I would earn my own living. I came up to town, and went to see and consult my second godfather, Montagu Chambers, Q.C., a name that will always be honoured and respected by every member of the late Home Circuit. It so happened that he was on intimate terms with

Dr. Rigaud, subsequently Bishop of Antigua, who, at that time, had just been appointed head master of Ipswich Grammar School. I told my godfather of my intentions, stating that I did not exactly know what to turn my hand to. Remarking that my classical education ought to prove useful to me, he promised to write to Ipswich to see if Dr. Rigaud could give me a berth in his establishment.

In a month's time I found myself a master in the Grammar School, having as my principal care the Latin Elegiacs, Greek Iambics, and Latin Prose of the First or head master's Form.

I remained there until I was nearly twenty years of age. It was a dull life, about which there is nothing worth relating, and of which I quickly tired.

The Crimean War had broken out, and, at my instigation, my father obtained for me—from his old friend, kind-hearted but eccentric Colonel Sibthorp—a commission in the Royal South Lincoln Militia. The regiment was then embodied and doing the duty of regulars. It was quartered at Chichester, in the barracks usually occupied by the Foot Guards. Sibthorp was the honorary Colonel; Henry Fane, Lieutenant-Colonel Commandant; Moore, the Major; and Pell, Brailsford, the two Parkers, Tuke, Norris, and Woodhouse (of Irnham)—commonly known as “Timber”—were among the officers.

We had a capital time at this pretty Sussex town, being most hospitably entertained by the people living

in the neighbourhood. After remaining there about six months, we were ordered off to do garrison duty at Portsmouth. We were quartered in the Cambridge barracks, and it was while we were here that old Sibthorp used from time to time to come down and visit his regiment, staying at the "Old Fountain." He was a very strange being. I remember on one occasion, while I was dining with him at the inn, I asked whether there was anything new in town. "Nothing particular, my dear boy," he said, "except the Spanish dancers at the Haymarket." (He was about seventy years of age at the time.) "And would you believe it, last night I sat in the House of Commons next to a brewer-man" (giving the name), "on the Conservative side of the House, too! What are things coming to!"

While the regiment was quartered at Portsmouth, Brailsford, Tuke, and I, with two companies, were sent on detachment to Tipner, a fort about three miles away, where we remained for some months. In the neighbourhood was an enormous powder-magazine, and I remember one day when the "pill" of the regiment (a rather common little chap, named Ferneley), who had come out to inspect the men, pointed to the building, and asked, "What is that big place?" Brail, as we called him, who was not very fond of the questioner, replied: "You put your little carcase up there, with a lighted pipe in your mouth, and you'll soon find out what it is."

Tuke and I were very much together at this time, and our principal amusement was to potter about the harbour and the pools entering it, in a boat that we had chartered, and christened the "Forlorn Hope."

Our temporary exile at Tipner being at an end, we returned to head-quarters; and a day or two afterwards an order came down from the Horse Guards, to the effect that recruiting officers would shortly make their appearance, to take off a number of our men to the line.

We were an excellent body, close on a thousand strong, and we had an exceptionally good Adjutant. We were splendidly set up and disciplined, and a finer regiment was never seen drilling on Southsea Common. Though not a very liberal man, the Colonel had spent a good deal of money upon his men. On one occasion, indeed, he defrayed out of his own pocket all the extra expenses attached to twenty-one days' training at Grantham. When he learnt that Her Majesty was about to take away a certain number of his regiment for active service, he became perfectly furious, and ordered the barrack gates to be shut. It was not until Colonel Fane pointed out to him that his ultimate destination, if he persisted in this course, would be the Tower, or some other building used for the incarceration of seditious persons, that he consented to countermand the order.

The recruiting sergeants were admitted, and a commission was offered to every officer who, with the sanction and at the nomination of his Colonel, could get together a hundred men willing to follow him to the line. I was subaltern of the light company (there were flank companies in those days), and my Captain happened at the time to be absent. Upon my asking my men whether they would accept Her Majesty's bounty, and proceed as regulars to fight for their Queen and country, some fifty or sixty of them stepped out from the ranks. Poor fellows! I believe they thought that, into whatever regiment they were drafted, they would go with their own officer, though this hope was doomed to disappointment. As I was speaking to them, the Colonel came up, and said: "You have always done your duty"—(I am afraid I was rather a favourite of his)—"and I like parting with you as little as I do with my men; but if a complement is made up, and you wish it, you shall go too."

It was precisely the desire I had long entertained, and I accepted the offer with gratitude. A few days afterwards I learnt that in a short time I should receive a nomination to some regiment of the line.

It was at Chichester and Portsmouth that I first made my appearance in amateur theatricals. We played at the Southsea Rooms, in aid of various charities, and it was there that I first became acquainted with Captain Disney Roebuck, with whom

I was subsequently associated in my somewhat brief experience of the stage.

About a fortnight after the recruiting in the barrack yard, I found myself gazetted to the 96th Foot, and, after a short term of leave, I joined my regiment at headquarters in Dublin, in those days one of the cheeriest of garrison towns. Cumberland was the Colonel, Currer and Scovell were the Majors, and my Captain was a very good-natured Scotchman named Grant.

A battalion of the 60th Rifles, the 16th Lancers, the Queen's Bays, and the K. D. G.'s were quartered in Dublin at the same time. Lord Carlisle was the Lord Lieutenant, and he kept up the Castle festivities with their usual pomp.

It was while here that I nearly got into a mess that might have led to my early retirement from the service. It happened that a young fellow named —, the son of a retired pawnbroker, had just ventured to join one of Her Majesty's regiments of cavalry, in the capacity of subaltern. The officers were furious, and every device was resorted to to get rid of him. Hay was made in his room every day, and he was subjected to every sort of bear-fighting. While at one of the afternoon levées at the Castle, I met a subaltern of the —, and he invited me to mess at the Portobello Barracks, telling me that there were a number of fellows coming from other regiments, and that there would be great fun. I accepted the invitation, and duly arrived at the barracks, where I found, among others, Bob Grady,

of the 60th, C—— H—— (now a General, and in command of a cavalry regiment), Jack Dillon, and the objectionable ——. After mess we adjourned to the junior officers' quarters, where a regular orgie took place.

When the fun was at its height, it was suggested that we should have a mock trial, and that ——, the pawnbroker's progeny, should be arraigned for that he, not being able properly to speak Her Majesty's English, had ventured to join Her Majesty's ——. I was appointed counsel for the prosecution, and the upshot of the proceedings was that the offender was sentenced to have his moustache and whiskers removed. A large pair of scissors was procured, the poor wretch was held down by the two junior cornets, and, in spite of his shouts and struggles, the hair on one side of his face was entirely removed. We got no further, however, for so violent grew his resistance that it was found impossible to operate on the other side.

At about three o'clock that morning four of us were on an outside car, proceeding home. The excitement was over, and no doubt the cool, fresh air had a sobering effect upon our minds. I remarked to the man sitting by my side, "There'll be a jolly row in the morning." And there was.

After parade the Colonel called me out of the ranks, and, in a tone of severity, told me to go and report myself at the Portobello Barracks, and on my return to consider myself under arrest. On arriving at the barracks, I found, outside the mess-room, a knot of my



companions of the night before, engaged in earnest conversation. I joined them, asking eagerly what was to be done, and whether they had interviewed our victim that morning. On receiving, with reference to the latter portion of my question, a reply in the negative, I suggested that the sooner this course was taken the better. Unless he got us out of the mess, I pointed out, the Colonel would be sure to report us to the Horse Guards, when it would be all up with us. The question was, who should do it, and, as nobody seemed particularly keen upon the idea, I volunteered to take the matter in hand myself.

I went up to ——'s quarters, knocked at the door, and was ushered in. A ludicrous sight met my eyes. There stood ——, with enormous whiskers and moustache on only one side of his face! I couldn't help it, and I burst out laughing, exclaiming: "My dear fellow, why don't you take off the other side? It's the only way out of it." Whether it was my good-humour, or the absurdity of his appearance, as reflected in the glass, I cannot say, but he, too, now burst out laughing, and replied: "Upon my soul, I think you're right."

I told him how sorry we all were for what had occurred, and begged that, when he was summoned to the orderly-room, he would do the best he could for us. He gave the required promise, which he faithfully kept; and in the end we were fortunate enough to escape with only a few days' arrest.

Dublin was no end of a place for gaiety. In the

winter there were three or four balls every night, and in the summer any number of picnics to Bray and other beautiful spots in the neighbourhood of the Hibernian capital.

Among the smartest and best-looking of the fellows were Cootie Hutchinson, of the Bays, and his brother, Sir Edward, nicknamed Pat. Cootie and I were at Eton together, soldiers together, and, at the present time, are members of the same clubs together. I don't know how it is with me, but as far as I can see, years have not in the least degree changed him.

The Kingstown Regatta was a great function then, and the dinners at Salt Hill were events to be remembered.

There was no chance of getting out to the Crimea in the 96th, as the regiment was the last on the roster for active service, and so I determined to exchange. This I succeeded in doing, though not without difficulty. I joined Her Majesty's 41st, the Welsh regiment. As it was actually out in the Crimea at the time, I had to report myself at the depôt at Walmer.

My hopes were doomed to a bitter disappointment, however. Sebastopol was taken, the war was over, and, instead of my going out to the regiment, the regiment came home to me.

I was a bit of a poet in those days, and composed a song on my new regiment. Its badge, I may state, was the Prince of Wales' feathers, and its uniform was scarlet, with white facings. The regimental band was

always preceded by a goat. During the Russian war no brigade distinguished itself more than that composed of the 44th, the 49th, and the 41st. This is the song that I composed :

Her mountains mourn, her bards are gone.

Who mourn the mighty dead ?

In vain the Saxon pressed his heel

Upon the Welshman's head :

Cambria still lives ; her ardent sons

Will yet maintain their ground—

Long as the sun shall run his course,

And shed his light around.

That light shall still poor Cambria cheer,

Amidst her darkened fate ;

No more her children shed a tear

Upon her fallen state.

Fallen ! ah ! no, her kings shall rise,

Resume their ancient power ;

Cambria again shall be herself,

And clouds no longer lower.

Llewellyn shall resume his sway,

Cadwallon king again ;

All thoughts of former pain shall cease

Hushed 'neath the harper's strain ;

Then once again the wassail bowl

Shall pass, and lays resound ;

Songs sung in honour of the day,

When Cambria stood her ground.

Amidst the fight, who leads the van ?

Whose hearts for glory thirst ?

Go ask at Alma, Inkermann—

They'll say the Forty-first.

Time shall not change Talhion's songs,

The Eisteddfod still prevails,

The Welsh their dauntless name preserve,

Their chief, the Prince of Wales.

This effusion gained for me the reputation of a poet, and one of the consequences was that a queer favour was asked of me. In the regiment was a great dunce, who experienced considerable difficulty in conducting his private correspondence. Being of a sentimental turn he had fallen over head and ears in love with one of the garrison beauties, and he came to me and begged that I would write a love-letter for him. I consented, but while engaged on the composition, he, apparently thinking I was approaching too near to popping the question, looked up and said: "Oh, I say, Monty, hang it all; hold hard, old fellow. Ain't that rather too strong? Don't you think we had better say something about the weather?"

## CHAPTER IV.

ARMA DEFUNCTUMQUE BELLO  
BARBITON HIC PARIES HABEBIT.

Life at Walmer—Unpleasant officers—How I offended the Colonel—The “Subalterns’ Arms”—I ask to be exchanged—Our impecuniosity—How I humbugged the sheriff’s officer—I make a bolt for it—Jumbo and I ask leave—We proceed to London—The newspaper advertisement—Interviewing the money-lender—His terms—We call upon his “friend”—A singular breakfast—“Merely a matter of form”—A disturbance in the street—Jumbo and I arrested—We are taken before the magistrate and fined—Visit from “Captain Curtis”—The trick played upon us—My father and godfather to the rescue—I return to Walmer, and leave the service.

My life was not so pleasant at Walmer as it had been at Dublin and Portsmouth. The *depôt* battalion system had just commenced, and under it I felt almost as though I were at school again. Then, too, I was not fortunate in my officers, which was the more unpleasant because I had been rather spoiled by those under whom I had previously served. The Colonel Commandant, whose name was Eyre, was a regular martinet; and the second in command, Major Deverill, about as disagreeable a man as you could meet in a day’s march. However, there were some very good

fellows at the depôt; Captain Gregory, of the 44th, for instance, and Captain Earle, who afterwards exchanged into the Guards, and, as General Earle, met a soldier's death in Egypt. There were also some very decent comrades in my own corps.

Unfortunately for me, I soon fell into the Colonel's bad graces. His antipathy, if I remember aright, dated from the time when Gregory, in a thoughtless moment, showed him some doggerel I had written. It had reference to the state of things then existing at the depôt, and the following were some of the lines, which I repeat as well as I can remember them :

But things now are changed, and these tatterdemalions  
Are ranged right and left into depôt battalions.  
At Walmer—how warm!—all will own who are fair,  
Though the climate is good, there's a d—— nasty Eyre.

I and two other subalterns—Johnson, nicknamed Jumbo, and Warner—desiring to supplement the accommodation afforded by our quarters in barracks, rented a little cottage just outside Deal. Among the other men, it came to be known as the "Subalterns' Arms," a name that perhaps will indicate, better than any description of mine, the festive uses to which the place was put. Somehow or other the Colonel came to hear about our cottage, and in consequence I received a severe reprimand. After dilating upon the enormity of our offence, he said: "You are the ringleader of the lot. No doubt you think yourself remarkably clever, what with your lampoons and your dramatic per-

formances" (we had been having some amateur theatricals), "but I can tell you this, sir—if you want to stay here you'll have to turn over a completely new leaf."

In a short time the head-quarters of the regiment returned from abroad, and became quartered at Shorncliffe. Knowing that, after what had occurred, I should never get on at the depôt, I determined to go over and see Colonel Goodwin, the commanding officer of the regiment, and entreat him, if he wished me to remain in the service, to exchange me for somebody at head-quarters. He was a very good fellow, and after reading me a lecture on my misdeeds, promised to have me transferred as soon as an opportunity should occur.

The desired chance was a long while coming, and I was still at Walmer when circumstances arose that made it necessary for me to obtain leave of absence for a short time. All of us at the depôt were in a terrible state of impecuniosity, and I, Jumbo, and a comrade named Talmage were perfectly well aware, having received documents commencing, "Victoria, by the Grace of God," etc., that our personal liberty was threatened by the sheriff's officer.

One morning, at a full-dress parade, it was whispered that the minions of the law were in the barrack-yard. The instant we were dismissed, those who had to fear the worst bolted like rats to their quarters. As I was hurrying upstairs, and just as I was approaching my room, I came face to face with one

of the unwelcome visitors. He stopped me, saying, "I beg your pardon, sir, but could you direct me to Mr. Williams' quarters?" Having sent him off in the opposite direction, I ran into my room, left a message with my servant for some of my companions, and then — fully equipped with shako, sword, and full-dress uniform — I passed out at one of the back doors, and bolted across the fields in the direction of Sandwich.

Luckily for me it was a Saturday. Another fortunate circumstance was that Sandwich, at this time, was outside the district of the sheriff's officer. If I could only reach Sandwich and stay there until twelve at night, I knew I should be free to return to Walmer, and remain there over the Sunday, without fear of arrest.

As I was crossing the fields, I met a pack of harriers in full cry. It was the pack that hunted in the immediate neighbourhood of Walmer, and most of the fellows were known to me. It amused them very much to learn how I came to appear among them in so unusual a costume.

I reached Sandwich all right, and took up my quarters in the billiard-room of the hotel, whiling away my time by a game with the marker. Presently Jumbo and Talmage, who had been apprised of my proceeding by the message I had left with my servant, arrived in a dog-cart, and, at the proper time, they took me back to Walmer. In the morning it was necessary for me to go and make a clean breast of it to Eyre, and ask for leave



to go up to London and raise the money to discharge my liabilities. Jumbo was forced to do the same, and he joined in my request for a fortnight's leave.

I am bound to say that Eyre behaved rather well. Of course he was, or affected to be, very angry; but he granted the request in both cases. There was no train on Sunday night from Deal, so we hired a trap and drove over to Dover, where we caught an express to town.

On arriving in the metropolis, we proceeded to "Lane's Hotel," the habitual resort of subalterns in those days, and situated in a street just off the Haymarket. Here we determined to remain until we had accomplished the object of our journey.

Jumbo had seen, in the columns of a daily paper, an advertisement headed, "To all who are in debt or difficulties," and offering accommodation upon the most benevolent and easy terms. The reader was directed to apply to A——, at some number in Regent Street, Waterloo Place. Here, then, was our man, and here was an end of all our difficulties!

On Monday morning we interviewed A——. He was a fat, sleek, over-dressed, under-bred individual, wearing any number of rings; and we found him in a gaudily-furnished office, smoking a very large cigar. After learning our errand, and inquiring what accommodation we required, he asked whether our commissions had been purchased (Jumbo's had), and various other questions. He then went on to say

that he did not lend money himself, but that he had a friend in the neighbourhood who did, and that, if we would call again on the following morning, he would in the meantime see what could be done towards meeting our requirements. We called as directed on the following day, and learnt that the money could be lent us upon a joint bill at three months, we paying, as I afterwards reckoned, about 130 per cent. interest for the accommodation, not to mention A——'s commission of about £20.

Our position was such that we greedily accepted the terms, whereupon we were taken to a house in Warwick Street, Golden Square. The door was opened by a very slipshod-looking servant, and we entered a passage where there was no oil-cloth, and which was as dirty a hole as ever I saw. Our conductor and guide requested us to remain here a few minutes, while he entered and interviewed his principal. Just as my stock of patience was becoming exhausted, A—— reappeared and ushered us in.

On the front door, as I omitted to mention, was a brass plate, on which was the name of Cook. This Mr. Cook, we now learnt, was the individual who was to lend us the money. He was seated at a desk, engaged with what I presume was his breakfast, though the hour was nearly noon. The meal consisted of a sausage, and on no other occasion have I seen a sausage cut into such small pieces, or eaten with such deliberation.

After addressing a few questions to us, Mr. Cook

produced his cheque-book and proceeded leisurely to write out a cheque. The bill was for £500, from which sum he took care to deduct the interest in advance, as well as the amount of the stamp and of A——'s commission. The bill being signed, accepted, and endorsed, I put out my hand to grasp the cheque; but it appeared that I was a little premature. Before the money became ours, we were told, there was another ceremony to be gone through. We were to be taken to a neighbouring solicitor's office, where there was a second document for us to sign—"a mere matter of form," we were assured. We went, accordingly, to the solicitor's office, and, upon being again told that the proceeding was purely a formal one, we both of us signed the document without reading a word of it.

Two nights afterwards, Jumbo and I, after going to the theatre, had supper at the "Café de l'Europe," in the Haymarket. Just as we were leaving to proceed to the hotel (it was about one o'clock in the morning), we came across a crowd on the pavement. I should mention that at this time there were several of our brother officers in town, and, among the number, Jack L——, whose name, as he has since turned parson and gone into the Church, I suppress. On running up to the crowd to see what was the matter, judge of our surprise to see L——, as the central figure, in the grasp of a constable. He explained to us that, seeing the policeman brutally ill-treating a poor woman — probably one of the midnight wanderers of

the streets—he had raised a protest, whereupon the representative of the law put his knuckles well into his throat, and said he would take him to Vine Street Station. Knowing that I could rely upon what had been told me, and that L—— was innocent of any intention to break the peace, I endeavoured to set matters right, giving the policeman our names and addresses. While I was thus engaged, another policeman came up and caught hold of me, whereupon we were dragged through the streets and taken to the station.

To my horror and astonishment, we were charged with assaulting the police. The inspector, who, I am bound to say, was most courteous, put a number of questions to us; after which, on sending for the proprietor of "Lane's Hotel," who came and bailed us out, we were released. Next morning we made our appearance before the worthy magistrate at Marlborough Street, Mr. B——n, who, after hearing the evidence of the constables, as well as of the witnesses who came forward on our behalf, decided, Heaven knows why, in favour of the police, fining us five pounds and binding us over to keep the peace. There was nothing for it, so we paid the fine and left the court; and the next morning there appeared in the newspapers a charming little paragraph, headed "Officers and Gentlemen," setting forth the facts as stated by the constables, and, of course, giving our right names and addresses.

Two days after this, as Jumbo and I were breakfasting at the hotel, one of the waiters came up and said to me: "Captain Curtis wishes to see you, sir." I had known an officer of that name in the 15th Foot, and I at once told the waiter to show the gentleman up. Now, any one less like a captain than the individual who appeared, I never saw. He was both shabby and dirty. Approaching the table, he told me that he was a sheriff's officer, and that I must consider myself in his custody; and he concluded with the request that I would at once follow him to the cab waiting outside. "What is the meaning of this?" I cried; for I had paid the debt for which process had been issued against me at Walmer. "I don't owe anything. There must be some mistake."

"Oh, no," replied he, "it's right enough. It's at the suit of Mr. Cook, of Warwick Street."

"But," I protested, "the bill was for three months, and I only signed it four days ago."

"Ah, yes, sir," he said, "but you must forget signing another document at the same time. By doing so you confessed judgment, and you were liable to be arrested the moment you took your pen off the paper."

Now I saw how we had been done. We had been caught in the money-lender's trap. I will not state here how, and under what circumstances, Mr. Cook and I met in after years, when I was practising my profession at the Bar. Suffice it for the present to say that I owed him a debt, and paid it with interest.

I had at the time to appeal to my father and god father for assistance, which was, as it always had been, liberally and generously accorded me. The money was paid, and I was liberated.

On my return to Walmer, I found a letter from Colonel Goodwin, ordering me to head-quarters, the opportunity having occurred to have me transferred.

For several months I remained in camp, getting on fairly well, and then the regiment was ordered again on foreign service, its destination this time being the West Indies. Both Jumbo and I—though he had served considerably longer than I—had now had about enough of soldiering, and, therefore, a few days before the regiment sailed, we sent in our papers and retired.

## CHAPTER V.

OMNIA VINCIT AMOR.

I stay with my parents at Reading—Visit from Disney Roebuck—Our amateur theatricals—We resolve to go on the stage—Our early engagements—An eventful introduction—Miss Keeley hears me my lines—I meet Henry Irving—Playing in the Potteries—Mrs. Patch—Why I went to Dublin—My marriage—My wife's parents—We take a house in Pelham Street—Another provincial tour—Mrs. Wyndham—Johnny Toole—I leave the stage—Reminiscences of Keeley—Mrs. Keeley's versatility—Adelphi dramas—Visitors at Pelham Crescent—Mr. and Mrs. Alfred Wigan—Mr. and Mrs. Levy—*The Daily Telegraph*—Mr. Edward Lawson—I enter at the Inner Temple—Frank Burnand—He and I write plays together—I take a manuscript to Robson—The price paid for it.

My father and mother were at this time living at Reading, in Berkshire, and I went to stay with them for a few weeks. While there, Disney Roebuck came to visit me, and we got up some amateur theatricals. We played for several nights in the Town Hall, the pieces being, *Delicate Ground* (in which Roebuck took the part of Sangfroid and I that of Alfonse de Grandier), *The Dream at Sea*, *The Wreck Ashore*,

*The Lady of Lyons*, and *Raising the Wind*. At that time there was a military coach on Castle Hill, and it was from the ranks of his pupils that we formed our company. Among the number was "Dolly" Wombwell (brother to Sir George), Cumming, Palliser, and Haldane.

It was as an outcome of those performances that Roebuck and I determined, if we could get engagements, to star in the provinces. I left the business arrangements to him, and in due time we started, our first town being Manchester. The lessee there was John Knowles, a man very well known in dramatic circles. A marble mason by trade, and a great connoisseur of pictures, he left the theatre almost entirely in the hands of his acting manager, Mr. Chambers. We played for a week, and met with considerable success. The pieces we opened with were *The Wonder; or, a Woman keeps the Secret*—Roebuck taking the part of Don Felix and I that of Colonel Britton—and *The Camp at Chobham*, in which I sustained the rôle of Colonel Damer. From Manchester we proceeded to Birmingham, where the lessee and manager was Mr. Simpson, and to Worcester and Coventry, the lessee of the theatres in those towns being Mr. J. Rogers.

The next towns for which we procured engagements were Edinburgh and Glasgow, and it was at the former that the principal event of my life happened. Here it was that I first met the lady who was shortly



to become my wife. The proprietors of the Theatre Royal were my now old friends, Mr. and Mrs. Robert Wyndham; and it was Mrs. Wyndham to whom I owed the memorable introduction.

Miss Louise Keeley, the youngest daughter of the celebrated Mr. and Mrs. Robert Keeley, was at that time starring in Edinburgh. Roebuck and I arrived on a Saturday, in readiness to commence on the Monday, and it happened that Miss Keeley's engagement terminated on the following Thursday. On reaching the northern metropolis, having nothing better to do, we strolled round to the theatre to discuss arrangements with the manageress; for it was Mrs. Wyndham who entirely superintended all matters of stage management, and was in fact chiefly responsible for the well-doing of this most successful theatre. I was on the stage, leaning against one of the boxes, and my eyes were, I presume, wandering towards the talented little lady who was to become so great a blessing to a portion of my future. Mrs. Wyndham, calling me over, said: "I have much pleasure in introducing you to Miss Louise Keeley." We at once commenced a conversation, and very quickly became friends. The next day I, not being quite perfect in the part I was to play on the Monday night, was wandering in the neighbourhood of Arthur's Seat, studying my lines, when whom should I meet but the lady to whom I had been introduced on the previous morning. We walked together for a considerable time, and in the

end I asked her to hear me my part—a favour that was at once granted.

For the Thursday, Miss Keeley's last night, Mrs. Wyndham suggested that we should play *London Assurance*, Roebuck taking the part of Dazzle, I that of Charles Courtley, and Miss Keeley that of Grace Harkaway. As a matter of fact, the part of Charles Courtley, of which I had never seen a line, is one of the longest of the kind on the stage; but so anxious was I to sustain the rôle that I at once agreed to the arrangement. To such good purpose did I put the short time at my disposal that, at the rehearsal on Thursday morning, I was letter-perfect. At night the play was a great success, and I have often heard Mrs. Wyndham say that in all her experience, she has never known Charles Courtley make love to Grace as naturally as I did on that occasion.

It was at this theatre, and during this and subsequent engagements, that I came in contact with my friend Mr. Henry Irving, who was a stock actor in the company at that time, playing walking gentleman.

From Edinburgh Roebuck and I proceeded to Glasgow, the theatre there being under the management of Mr. Edmund Glover. From Glasgow we went to Perth, and from Perth to Newcastle, the lessee at the latter place being Mr. E. D. Davies. From Newcastle we proceeded to Hanley and other towns in the Potteries. I shall never forget those towns. At Bilston, one of them, on the morning after our arrival, we

sallied forth to find the theatre. The most awful building imaginable was pointed out to us, and when we got inside, we found that it was all pit and gallery, with no boxes or stalls. The manageress, Mrs. Patch, lived just outside the theatre, in a four-wheeled vehicle that looked uncommonly like a travelling caravan. We had arranged to play for our opening piece, *The Wonderful Woman*—I taking the part of Crepin, the cobbler, and Roebuck that of the Marquis de Frontignac—and upon presenting ourselves at rehearsal, we found the gentleman who was to sustain the rôle of the Count de Millefleur standing on a ladder with a pail of whitewash and a brush, busily engaged in distempering the ceiling. When rehearsal commenced, we were introduced to the leading lady, who was to play the part of Hortense, and found that she was none other than Mrs. Patch herself, a lady who must have turned the scale at fourteen or fifteen stone.

Hanley was a primitive place, and so were all the towns in the Potteries. If the audiences there did not appreciate the merits of a *débutant*, their ordinary way of expressing displeasure was, as they termed it, “to heave half a brick at him.”

It was on leaving Hanley that Roebuck and I parted company; he going home to his wife and family, who lived at Ryde, and I proceeding to London.

On the Saturday after my arrival, on scanning the pages of *The Era*, I learnt that Miss Keeley was

playing at the Queen's Theatre, Dublin, then under the management of Mr. Harry Webb. The fact is, I had completely lost my heart, and I determined to start at once for Dublin, taking my chance of obtaining an engagement there. I carried out my intention, and the engagement I formed was a matrimonial one. I duly proposed and was accepted, but as, so far as we were personally concerned, we were both, comparatively speaking, paupers, we knew that it would be useless to ask our parents' consent to the marriage. We therefore got married without their consent, and without consulting any one.

We came up to London, and my wife at once introduced me to her parents. They were, of course, at first rather angry with us for not having taken them into our confidences; but they very soon relented, and we were forgiven. They were then living at Pelham Crescent, Brompton, in the house that Mrs. Keeley still occupies. Though past the honoured age of three-score years and ten, she is, I am happy to say, almost as hale and hearty as ever. My wife and I took a small house in Pelham Street, in order to be near at hand, and, while it was being prepared for our reception, we went on another provincial tour. We obtained an engagement to play for a fortnight in Edinburgh, the period being subsequently extended to a month. We lived in lodgings in Prince's Street, and saw a great deal of the Wyndhams. Irving was still in their company, and it was during

this engagement that he and I became the close friends we have ever since remained.

In addition to her town house, Mrs. Wyndham had a country cottage, situated a few miles out of Edinburgh; and the Sundays we passed there I now reckon among the happiest of my life. From Edinburgh we went to Belfast, where the lessee was a man named Cook, and it was during my stay in this town that I became acquainted with my good friend Johnny Toole. His engagement ran simultaneously with ours, and among the pieces we performed was *The Winter's Tale*, he playing Autolycus, and my wife, Florizel. It was at this time that I first heard him sing his afterwards celebrated song, "A 'norrible Tale."

From Belfast we proceeded to Sunderland and South Shields, the theatres there being the property of Sam Roxby, the brother of William Beverley, Bob Roxby, and Harry Beverley—names well known in all theatrical circles. We played at Sunderland and South Shields for about a fortnight, and took Nottingham on our way home, having accepted an offer from Mrs. Savile to perform there for a few nights.

This was the end of my experience as an actor, for, on our return to Pelham Street, as the result of a long conversation with my father-in-law, I determined to leave the stage and enter myself as a student at one of the Inns of Court.

It was now that I made the acquaintance of many theatrical and literary people. Brompton was the

quarter in which they mostly resided, and the Keeleys' house was not the least hospitable in the neighbourhood. It is a curious thing that, in my school days, when I came up to town to spend the holidays with friends, I always showed a fondness for theatres, and above all for the Adelphi, where the Keeleys were principally engaged. This was before they became lessees, first at the Lyceum, and then, in partnership with Charles Kean, at the Princess's.

Who ever saw a better exponent of terror and cowardice than Mr. Keeley? I shall never forget him in *The Serjeant's Wife*, in which he played Robin to Mrs. Keeley's Margot. There is one situation in the piece that lives especially in my memory. Robin finds out that he is the servant of a band of robbers, that they have been committing no end of murders, and that the bodies of the victims have been buried in the wood-house. He comes and relates the discovery to his wife, and tells her how, on going into the wood-house to get some wood, "I saw his heels, Margot, I saw his heels." Then, again, I well remember how, in describing a conversation he had had with his master, the captain of the band, he states what his feelings were when the robber patted him on the head, with the words: "Robin, Robin, how plump you are!"

The humorous predominated in Keeley, and he was particularly strong as the comic servant. In this personification he made no pretence to virtue, and

yet, even in his moments of abject terror, he was never quite despicable. Somehow or other he contrived to make you feel that courage ought not to be expected of him.

Mrs. Keeley was more versatile than her husband. She was especially good in pathetic parts. I never saw her Jack Sheppard, but I believe it was a marvel. Her Lucille, in the play of that name, taken from Bulwer's "Pilgrims of the Rhine," was a perfect gem; and who, on the other hand, does not remember her Betsy Baker, and her acting in *Twice Killed*, *That Blessed Baby*, etc. ?

How well I remember the dramas played at the Adelphi in my early days! What dramas they were! The hero was taken by Benjamin Webster, the finest melodramatic actor I ever saw, not even excepting Lemaître. He was magnificent in *The Willow Copse*, *Jannet Pride* (in which Keeley also was immense), and *Geneviève; or the Chevalier de Maison Rouge*, which I saw with a remarkable cast: Webster was Dixmer; Alfred Wigan, Lorin; Leigh Murray, the Chevalier; Mrs. Keeley, the flower girl of the Temple; and Céleste, the heroine. Then again, after the Keeleys had left the Adelphi, among the pieces given were *The Green Bushes* and *The Flowers of the Forest*, in both of which it was my privilege to see Wright and Paul Bedford in their inimitable rôles.

Keeley was quite as funny off the stage as he was on; indeed, I always thought that, if possible, he was

even more so. He delighted in telling a story, and the expression of his face always made you roar with laughter before he began.

We became great friends with Edmund Yates and his beautiful wife, Shirley Brooks, Dickens, Planché, Albert Smith (who married my only sister-in-law, Mary), Charles Mathews, and Frank Talfourd, not to forget "Old Frankie" and Mrs. Frank Matthews, whose hospitable house in Linden Grove was always crowded with friends.

Mr. Keeley was very fond of telling stories of his wife, to whom he was most devotedly attached, and I remember one of them that caused a good deal of merriment as related. Shirley Brooks, it appeared, had gone to live in a little cottage in the country, where he devoted himself, among other things, to the rearing of fowls, ducks, and pigs. One day a pig was killed, and he sent a portion of the animal in a parcel to Mrs. Keeley, with these lines: "His end was peace, so I send you a piece of his end." Roaring with laughter, the old gentleman would say, alluding to his wife: "Mother was telling the story the other day to somebody sitting next to her at dinner, and she remarked, 'So clever of Shirley, you know; when he sent us the parcel he wrote on a piece of paper inside, 'His end was peace, so I send you a bit of the pig.''"

This is another story Mr. Keeley was never tired of telling. In his early married life, he, Jack Reeve, Frank Matthews, and some others were in the habit of re-



pairing to Kilpack's, a cigar shop and bowling alley, next door to Evans's in Covent Garden. Upstairs was a small sort of club, and, going there on Saturday night to play unlimited loo, they would sometimes remain until five or six o'clock on Sunday morning. On one occasion, it appeared, on going home to his lodgings in Long Acre, at some such unseasonable hour as this, Mr. Keeley found his better half fast asleep. It happened that he was carrying in his pocket a bundle of notes, representing his and his wife's salary, which had been paid that afternoon, and he proceeded to carefully deposit them all in one of his boots, afterwards creeping noiselessly into bed. In the morning, Mrs. Keeley, as was her custom, rose early and without disturbing her husband.

Frank Matthews was in the habit of calling every Sunday morning to go with Mr. Keeley for a walk over Hampstead, or in the neighbourhood of Putney, or elsewhere. On this particular Sunday, on his arrival he found "Mary Mother," as he called her, in the sitting-room, in tears. Upon his asking, "Where is Bob?" she replied: "Where should he be but fast asleep in bed? Nice hours to keep—five o'clock in the morning indeed! You ought to be ashamed of yourself, Frank, for I'm sure you were with him. What's worse, on looking in his pocket, I find that he's lost all our money." "But, my dear," said Frank, "that's impossible. I was with him all the time, and he couldn't possibly have lost it. Why, I walked with him as far

as the door, too, so you must be making a mistake.”  
“No, no,” she sobbed, “I’m not making a mistake. All my hard-earned money is gone—there’s not a shilling left.”

Frank went into the next room to see if his friend was awake, and to learn whether the facts were as stated. He found Keeley sitting up in bed, screaming with laughter. “Shut the door, Frank, shut the door,” he cried; and when this had been done, he said, with that extraordinary twinkle that so often appeared in his eye: “She thought I was asleep. First, she searched my waistcoat, then my trousers, and then my coat, but found nothing. It’s all right, Frank, the money’s in my boots.”

Mr. and Mrs. Alfred Wigan were great friends of the Keeleys. Mrs. Wigan’s Christian name was Leonora, and she had acted with Mrs. Keeley and been a friend of hers before their marriages. One day while we were sitting at dinner in Pelham Crescent, somebody remarked that Mrs. Wigan was eating nothing, whereupon she replied: “Oh, I never have much of an appetite, have I, Bob? Don’t you remember when you used to put a pea upon my plate, and say, ‘There, that’s Leonora’s dinner?’” I shall never forget the old gentleman turning round to me and quietly saying: “Upon my soul, I never put a pea upon her plate.” It was not that there was anything in what he said; the humour lay in the indescribable manner in which he said it.

When I was a student at the Temple, a dinner-party was given, I believe in my interest, to people connected with the legal professions. Among those present was a solicitor of Eastern origin, and Mrs. Keeley, knowing her husband's antipathy to Jews, warned him to be careful what he said before his guest, adding: "You know it would never do to offend him; he may be so useful to Montagu." The dinner went off all right, and afterwards a rubber of whist was suggested. This was Mr. Keeley's favourite amusement, and he used to play almost every afternoon at the Garrick, of which club he was an old and much esteemed member. We cut for partners, it falling to my lot to play with Joe Langford, while Keeley was paired with the Eastern gentleman. In the middle of the game, while the cards were being dealt, Keeley's partner remarked to him:

"Mr. Keeley, I have always been against the intermarriages of Jews and Christians. You know, there are so few of the one in comparison with the other, and if these marriages took place to any extent, the whole Hebrew race would be merged, and there would be no Jews."

To which Mr. Keeley, who hated conversation during whist, retorted angrily:

"And a d—— good job, too."

I shall never forget the missis's face!

Not many months before his death, Keeley was playing whist at the Garrick, his partner being Henry

James, now Sir Henry. When the rubber was over, after a moment's thought, he turned to James and asked :

“Why didn't you lead spades?”

The answer was :

“I didn't think it the game.”

“Well, then, you're a fool,” said Keeley, and petulantly shuffled out of the room.

Of course we were all rather astonished ; but nobody ever took much notice of what he said, and the matter passed off with a laugh. A few days afterwards, as James was passing up the staircase at the Garrick, on his way to the card-room, Keeley's four-wheeled cab drew up at the door, and the old gentleman alighted. Catching sight of the receding figure of the future Attorney-General, he rattled with his stick upon the tessellated pavement, and cried out “Hi!”

James, seeing who it was, at once ran back, never doubting that he was about to receive an apology for what had recently taken place.

“I have been thinking,” said Keeley, with the stolid expression his face so often wore, “over that little affair about the spades, and I find that I was right—you *are* a fool.”

Keeley was a man of remarkable generosity and kindness of heart, an excellent friend and the cheeriest of companions. He was very much attached to the husband of his daughter Mary, Albert Smith, who, as all that knew him can testify, was himself one

of the liveliest and best of companions. Unlike Keeley, however, his jokes and stories were not untinged with acidity.

It was during the first year of my married life that I became acquainted with Mr. and Mrs. Levy. *The Daily Telegraph* was then in its infancy. The paper-duty had not been repealed, and Mr. Joseph Moses Levy, the principal proprietor of the new journal, lived at the West Central part of London, in Doughty Street, Mecklenburgh Square. Here I was ever a welcome guest, as I have since been at Russell Square and Lancaster Gate. Mr. Levy's eldest son, Edward (now Edward Lawson), under whose management the paper has been such an enormous and world-wide success, had just married Benjamin Webster's daughter, who was one of the most beautiful and accomplished women in London. My acquaintance with her dates back to some period before her marriage. I may say here, speaking of the Levys generally, that a more hospitable, pleasant, and unassuming family did not exist. They were strict Jews, and brought up their numerous family according to all the rites and ceremonies of the religion, keeping most rigidly all the Hebrew feasts and festivals.

Before being called to the Bar, I had to spend three years as a student at the Inner Temple. I ate my dinners in the same mess with my old friend and school-fellow Frank Burnand, and with Henry (now

Baron Henry) de Worms. The latter had been studying as a medical student, but his inclinations on the subject of a profession had undergone a change. We three attended the lectures together, and, principally owing to Frank's good stories and excruciating jokes, were on more than one occasion nearly expelled from the lecture-room.

Frank was living in Sydney Street, Brompton, and I was still at Pelham Street. With a view to making a little money during our student days, we became hangers-on to the skirts of literature. We wrote for one or two small papers, did London letters for locals, and were interested in a little venture of the magazine type, called *The Drawing-Room*.

It was at this time, too, that Frank and I became partners in dramatic authorship. One day I called at Sydney Street with a bright face. The fight between Tom Sayers and the Benicia Boy was on the *tapis* at the time, and it had given me what I conceived to be a splendid idea for a farce. I imparted the plot to Frank, and he was immensely taken with it. We set to work at once, I walking about the room, and Frank wielding the pen. It was eleven o'clock when we commenced, and by half-past three that afternoon we had finished our work. With the ink scarcely dry I ran round with the MS. to Pelham Crescent, eager to show it to my father-in-law. Having read it, he put it down with these words: "I wish I was still acting, for I should like to play it myself. You needn't have any

fear of getting rid of it. Take it round to-night to Robson at the Olympic—he'll jump at it." I did as he directed.

Albert Smith used to say, and I am inclined to agree with him, that there is only one person of a lower grade than the call-boy at a theatre, and that is the author. If he is an unknown man, he has to overcome many difficulties before he can see the manager. I had forgotten to ask Mr. Keeley for a letter of introduction, which would have been safe conduct to the presence of Mr. Emden, then Robson's acting manager and partner. Robson had another partner, who occupied the supreme position, as he represented the money. This gentleman was, and is, a well-known Conservative Member of Parliament, distinguished as a connoisseur of pictures, and I happen to know that he made a very good thing out of his connection with the Olympic.

After being kept waiting for about three-quarters of an hour in the passage leading to the green-room, I was ushered into the presence of Mr. Emden. I told him my errand, produced the MS., and mentioned what Mr. Keeley had said about it. He promised that when Robson came off the stage (he was then playing Shylock in Frank Talfourd's burlesque) they would read the farce together, and let me know their verdict at once. He then left me, but in due time reappeared, and made the welcome announcement that both he and Robson

were very pleased with the farce, and that, if we could come to terms, it should be put in rehearsal at once. He added that, as they could not make me an offer before first consulting their partner, he would feel obliged if I would call again next day. I did as directed, and on the following morning was offered thirty pounds for the sole London right of the farce! Being desperately hard up and knowing that Frank was in the same plight, and being perfectly ignorant on the subject of authors' remuneration, I at once closed with the offer, and took the cheque. When I returned, Frank received his fifteen pounds with delight, but my father-in-law called me a fool for having taken so small a sum. He was right, for the farce was an enormous success and aided in keeping the theatre going for months, it being performed for something like two hundred nights. In those days, be it remembered, a farce could take a very strong hold upon the public. There was a half-price to all parts of the theatre, and the farce was often the staple commodity of the management.

Shortly after my transaction at the Olympic, Alfred Wigan took the St. James's Theatre, in partnership with Miss Herbert. Having heard of the success of our farce, he sent for me, and said he had a French drama that he was desirous of adapting, and asked whether Frank and I would undertake the work. I readily assented, whereupon he produced *La Dame de St. Tropez*, saying that he wished the adaptation to be



ready in a fortnight, and promising, upon its production, supposing he were satisfied with our work, to hand us a cheque for one hundred pounds. I agreed to the terms, the work was done, and the play was produced. It proved very successful, and had what in those days was a very long run. From that time Frank and I devoted ourselves to dramatic authorship, and we managed to get several little pieces—produced either in collaboration or otherwise—placed at various London theatres.

## CHAPTER VI.

CEDUNT ARMA TOGÆ.

Serjeant Parry's advice—I enter Mr. Holl's chambers—Attending the Sessions—The resolution I come to—I am called to the Bar—My first brief—Pleasure gives way to fright—I lose the case—My despair—Hardinge-Giffard, Sleigh, Metcalfe, Ballantine, and others—Messrs. Lewis and Lewis—Bob Orridge's bet—An exception to the general rule.

As soon as I had resolved to read for the Bar, I, by the desire of my father-in-law, visited his old friend Serjeant Parry, to learn what steps I should take, preparatory to being called, to ground myself in the rudiments of my future profession. The first thing he did was to write out a list of law books for me to read. This list, I may remark in passing, was so lengthy, that, had I attempted to exhaust it, the task would probably have occupied me to the present day. Indeed, I think I may say, basing the statement on my long subsequent acquaintance with the Serjeant, that it is more than doubtful whether he himself ever read all the books that he thus brought under my notice.

Serjeant Parry's next recommendation was a more

practical one. It was that I should enter the chambers of some barrister who was a good pleader, and in large junior civil business. He suggested two suitable persons, Mr. Holl and Mr. Macnamara, who jointly occupied the ground floor of No. 5, Paper Buildings, and to each of whom he gave me a letter of introduction. I first saw Mr. Macnamara. Being full of pupils, he referred me to Mr. Holl, kindly stating, however, that I might have the run of his chambers. Macnamara, who was the brother of the celebrated Mrs. Nesbit, afterwards became a Railway Commissioner, and has since died. I arranged to become the pupil of Mr. Holl for twelve months, giving him an honorarium of one hundred guineas, to obtain which sum I had to pinch myself not a little.

There was a vacant room on the basement when I joined Holl's chambers, and this was subsequently occupied by Mr. Butterworth, one of the ablest pleaders of the day, and, after Chitty and Bullen, I suppose one of the most successful.

There was plenty to engage the attention of a student, if he were only industrious. For my part, I was resolved that my hundred guineas should not be thrown away; and I believe I may say that I was always the first to arrive at the chambers in the morning, and the last to go away at night.

My inclinations had always been towards criminal work; and when I grew tired of poring over pleas and dry opinions, it was my invariable custom, when

the Sessions were on, to repair to the Central Criminal Court—otherwise known as the Old Bailey—where I sat listening intently to the trials. I resolved at the time that, when I was called to the Bar, I would devote myself in a great measure, if not exclusively, to criminal business. I used occasionally to drop in at the Middlesex Sessions, where I found many of the barristers to whom I listened at the Old Bailey. Mr. (afterwards Sir) William Bodkin was the presiding Judge at the Sessions House; the Deputy-Assistant Judge, who sat in the Second Court, being Mr. Tom Pain.

The time of my apprenticeship being up, I was duly called to the Bar. Frank Burnand preceded me by three months, and was attending at the Old Bailey when I joined it. I don't think he remained there more than a year, however. After mature deliberation, he resolved to leave the law, and devote himself entirely to literature.

I was called on the 30th day of April, 1862, and at once commenced to attend the Central and other Criminal Courts of the metropolis. Holl, with whom I had remained up to the time of my call, kindly permitted me to continue in his chambers until I should feel my feet.

For one or two Sessions I hung about the Courts doing nothing, waiting for that knock and inquiry at the chambers' door for which so many have, with aching hearts, waited for years, and, alas! waited in vain.

It so happened, about three months after I became a barrister, that Charles Voules (who, as I have already mentioned, was a solicitor at Windsor) had a prosecution against a man for stealing a horse in the neighbourhood of Staines—a district that lay within the jurisdiction of the Central Criminal Court. Feeling a friendly interest in me as an old Etonian, and being anxious to give me my first brief, he placed this prosecution in my hands.

How proud and delighted I felt at first! But when the Session came on, and the day of trial arrived—after I had carefully scored under each sentence of the brief, and, in fact, learnt off every word of it by heart—a kind of stage-fright seized me, and I went to everybody, begging that they would take the responsibility off my hands. Nobody would relieve me of the brief, however, and there was I left with my bottle-imp!

In due time the prisoner entered the dock, and pleaded "Not Guilty." Then, just as the trial was about to commence, I learnt, for the first time, that the prisoner was to be defended by Mr. Ribton, who, though an excellent fellow in his way, was not exactly the sort of person a youngster would like to meet as his first opponent. I shall never forget that trial. When I looked at the jury they seemed to dance before my eyes, and instead of twelve men I seemed to see about four times that number. The presiding Judge was the then Recorder of London, Mr. (afterwards

the Right Hon.) Russell Gurney. I shall have a good deal to say about him before long, but suffice it for the present to remark in passing that, as my subsequent observation and experience proved, he was the very best criminal Judge that ever sat upon the bench.

The case was a weak one against the prisoner, I am bound to admit; but I think if it had been ever so strong, I should have made a mess of it. I floundered through my opening, I called my witnesses, and Mr. Ribton proceeded to address the jury for the defence. Then the Judge summed up, and the jury, without a moment's hesitation, pronounced a verdict of "Not Guilty." In my agony, thinking that a great miscarriage of justice had taken place on account of my stupidity, I jumped up, and, Heaven knows why, exclaimed:

"My lord, what's to become of the horse?"

Looking at me somewhat severely, the Judge said:

"What is that to do with you, sir? Don't you think you've done enough?"

I'm sure he did not mean what I thought he meant; but I left the Court almost broken-hearted. Rushing home to my wife, at Gunter Grove, Fulham, where we were living at the time, I utterly collapsed, and cried out:

"My dear, I shall never go into Court again. I've mistaken my profession. I must try something else."

It was very easy to talk about trying something else, but it would have been more difficult to find

something else to try ; for had I not already exhausted every means of making money that suggested itself? Of course I had spoken on the spur of the moment, while suffering acute mortification ; and it was not long before I found my way back to the Old Bailey.

The criminal Bar was a very close borough in those days, and work was, for the most part, in the hands of a few. These were Hardinge-Giffard (now Lord Halsbury), Mr. (afterwards Serjeant) Sleigh, Metcalfe, Orridge, Poland, Ribton, and John Best. The solicitors principally associated with the practice were Humphreys and Morgan, Wontner and Son, and Lewis and Lewis, all of whom divided their business, generally speaking, among their own particular men. Thus Hardinge-Giffard and Poland (who afterwards succeeded Clarke and Besley as counsel to the Treasury at the Central Criminal Court) acted for the Humphreys ; Metcalfe and Orridge for the Wontners ; and Serjeants Ballantine, Parry, and Sleigh for the Lewises. The last-named firm also availed themselves of the services of F. H. Lewis, while, in subsequent years, they gave a great deal of their business to me.

Sleigh was a great public man, and the delight of the publicans. Probably his licensing business was the largest ever enjoyed by any counsel.

The solicitors who did the lion's share of the work were Lewis and Lewis. Their office was in Ely Place, where Mr. George Lewis, the sole survivor of the firm, carries on his business to this day.

The character of the place has greatly changed. It used to be a very dirty, dull, and depressing place, where only a few clerks were to be seen. I remember, when the firm were acting for *The Daily Telegraph*, hearing poor Lionel Lawson describe a visit he paid there.

“I was shown into a back room,” he said, “where I was kept waiting for about half an hour. It was for all the world like a prison cell, and when I had been there ten minutes, I felt convinced that I was a felon of some description, and before I left I was perfectly certain that I had committed every crime known to the criminal law.”

Little James Lewis, the head of the firm, was a very sharp-looking fellow. He attended principally to the criminal classes indoors. George Lewis, who was a very smart young man, and a most successful cross-examiner, did the principal business at the Police Courts. Old “Uncle George,” the brother of the senior partner, looked after the insolvency, bankruptcy, dramatic, and civil business, in a room at the top of the house. In those days, there was an enormous quantity of insolvency and bankruptcy cases, and I should be sorry to say how many impecunious upper and middle class men were duly whitewashed through the intervention of “Uncle George.” His counsel in this work was usually Mr. (afterwards Serjeant) Sargood. “Uncle George” was solicitor to the Dramatic Authors’ Society, and nearly all the dramatic business of London was in his hands.



Kind-hearted and generous, no one, however poor, ever applied to him for advice in vain.

James Lewis lived in Euston Square, and "Uncle George" in Woburn Place. Though they were daily brought into contact with the black side of human nature, I never met two more pleasant and simple-minded men. In later years, I always dined at the old gentleman's house on his birthday, and enjoyed the privilege of proposing his health. He was one of my best friends, and to him I owe a great deal of whatever success I have attained.

So far as I have observed, adversity is a remarkably easy thing to bear, and prosperity about as difficult. Very few of those I have known have been improved by the latter; but I am about to draw attention to a noticeable exception to the rule in the person of the present Lord Chancellor, Lord Halsbury.

At the time I commenced to practise, I remember Bob Orridge making a bet with Metcalfe, I think for ten pounds, that, within twelve years, Hardinge-Giffard—then one of our leaders at the Central Criminal Court and the Middlesex Sessions—would become Attorney-General, and that, before he ended his career, he would become Lord Chancellor. Both those anticipations have been fulfilled, though poor Bob did not live to reap the fruits of his prophecy. Hardinge-Giffard became Solicitor-General, then Attorney-General, and he is now Lord High Chancellor, keeper of the Queen's conscience. Lord Halsbury by rank, he is still Hardinge-Giffard by

nature, and this consideration will encourage me, by-and-by, to relate certain anecdotes of him dating from the time when we fought together in the arena of criminal practice, he on the side of the Crown, and I, acting as a free lance, for the defence.

## CHAPTER VII.

RARO ANTECEDENTEM SOELESTUM  
DESERUIT PEDE PCENA CLAUDO.

The extent of my practice—The case of Catherine Wilson—A description of her crimes—Our defence—What the Judge said—Statement by the Lincoln police officer—The verdict—The accused rearrested—A fresh trial—Bodies of the victims exhumed—Some pointed observations from the bench—“Guilty”—Mr. Justice Byles—His lordship’s comments in private—Anecdote of Mr. F.—Mr. Arthur Collins and the point that was overlooked—A painful case—The subscription we started—My first introduction to Messrs. Lewis and Lewis—Reminiscences of Ballantine—An embarrassing position—Ribton’s verbosity—I act as Ballantine’s junior in a gross case of fraud—His advice about fees—The little Jewish solicitor.

I THINK I may safely say that I have defended more prisoners than any other living man. My practice extended from 1862 to 1886.

One of the first important cases with which I was associated was that of Catherine Wilson. She was charged before Baron Bramwell with administering one ounce of sulphuric acid to Sarah Carnell, with intent to murder her. She was defended by Mr. Oppenheim and myself, though, as my leader was engaged in

another Court during the trial, the work really devolved solely upon me. Ribton appeared for the prosecution.

The prisoner was a nurse, and in that capacity had attended the prosecutrix. One day, she had volunteered to fetch some medicine for the invalid, who was in bed, and after an absence of about twenty minutes had returned with something that she described as a soothing draught. The unfortunate woman, in her evidence, said she saw nothing at the bottom of the glass into which the prisoner poured the liquid. While she was holding it, however, she felt it grow warm in her hand. The prisoner said :

“Drink it down, love ; it will warm you.”

The witness took a mouthful, but it was so hot that she at once spat it out upon the bed-clothes. Then she called her husband, and said to him :

“William, take this medicine back to the doctor. He has sent me the wrong one.”

Upon looking down at the bed-clothes, the invalid saw that, where the liquid had fallen, the counterpane was full of burnt holes.

The defence was the usual one ; that the doctor was out when the prisoner called, and that the lad of fifteen in temporary charge had given the wrong medicine. Baron Bramwell, in his remarkably shrewd, plain-speaking way, in summing up, pointed out that the theory of the defence was an untenable one, as, had the bottle contained the poison when the prisoner received it, it would have become red-hot or would

have burst, before she arrived at the invalid's bedside. However, there is no accounting for juries; and, at the end of the Judge's summing-up, to the astonishment probably of almost everybody in Court, the foreman asked leave to retire.

It was rather late—I think about seven in the evening—when the jury left their box. As I sat in Court, waiting anxiously for the verdict, a stranger came up to me, and, placing his hand on my gown, said :

“Very ingenious, sir, but if you succeed in getting that woman off, you will do her the worst turn any one ever did her.”

Considerably astonished, I turned round and closely questioned the speaker. I learnt that he was a member of the Lincoln police force, and that he had instructions, if the prisoner were acquitted, to take her into custody on seven separate charges of wilful murder. If she were convicted (when, of course, she would be sentenced to penal servitude, either for life or a considerable number of years), the authorities, it appeared, had determined to take no further action.

At about a quarter to nine the jury returned, and, upon Mr. Ivory, the well-known Clerk of Arraigns, asking if they had agreed upon a verdict, the foreman pronounced one of “Not Guilty.”

An expression of delight came upon the face of the woman, whose appearance, by-the-bye, was a very peculiar one, her chin being the most receding one I

have ever seen. She turned round abruptly to leave the dock, but the instant her foot was on the floor of the Court, she was arrested by the officer who had recently addressed me.

On Thursday, the 25th September, in the same year—1862—Catherine Wilson was tried for the murder of Maria Soames, the case coming before Mr. Justice Byles. Messrs. Clarke and Besley, who then represented the Treasury, appeared for the prosecution, and I appeared for the defence.

The murder was alleged to have been committed in October, 1856. It appeared that the prisoner had acted as nurse during an illness of the deceased, giving her her medicine, and generally administering to her wants. In the course of the case it transpired that six or seven persons with whom the prisoner had lived as nurse, and who, strangely enough, had nearly all of them been suffering from gout, had suddenly died. As the charge had reference to the murder of a particular person, however, detailed evidence in the other cases was not admitted. The medical man, on being called, stated that he had refused a certificate in the case of Maria Soames, though, on making a *post mortem* examination, he was disposed to attribute death to natural causes. Owing to the facts that had transpired, however, he was now prepared to attribute death to an over-dose of colchicum, or some other vegetable irritant poison.

To cut a long story short, I may say that it was

proved, in this and the other cases, that the prisoner had so ingratiated herself with her patients as to induce them either to leave her considerable sums of money in their wills, or to make her handsome gifts in their lifetime, and that, so soon as she had accomplished this object, she quickly despatched them.

She was anxious, it would seem, that no inquiries should be made as to the reason for the gifts and legacies.

After the first trial, the bodies of the victims were exhumed, with the result that traces of the poison were discovered. I based my defence on the supposition (then entertained in the scientific world, but since proved to be false) that it was impossible to detect the presence of vegetable poison in the blood after a short time had elapsed. On this vital point, the principal witness examined was the celebrated Dr. Alfred Swayne Taylor, Professor of Medical Jurisprudence at Guy's.

I shall never forget the Judge's summing-up, the concluding words of which were about as deadly as anything of the kind I have ever heard.

"Gentlemen, if such a state of things as this were allowed to exist," he said, "no living person could sit down to a meal in safety." This, too, when the jury were about to take their luncheon!

After due consideration a verdict of "Guilty" was returned; the other indictments were not proceeded with, and the prisoner was sentenced to death.

Mr. Justice Byles, when at the Bar, had been one of the most acute advocates of the day. He knew his juries thoroughly well, never went too far with them, and got his verdicts almost as he liked.

After the trial to which I have just referred, Mr. Justice Byles sent to ask me to come and see him in his private room. I found him unrobing, and walking up and down like a lion in its cage. He said :

“I sent for you to tell you that you did that case remarkably well. But it was no good ; the facts were too strong. I prosecuted Rush for the murder of Mr. Jermy, I defended Daniel Good, and I defended several other notable criminals when I was on the Norfolk Circuit ; but, if it will be of any satisfaction to you, I may tell you that in my opinion you have to-day defended the greatest criminal that ever lived.”

Many anecdotes are related of this most excellent Judge. He was once hearing a case in which a woman was charged with causing the death of her child by not giving it proper food or treating it with the necessary care. Mr. F——, of the Western Circuit, conducted the defence, and while addressing the jury said :

“Gentlemen, it appears to be impossible that the prisoner can have committed this crime. A mother guilty of such conduct to her own child ! Why, it is repugnant to our better feelings ;” and then, being carried away by his own eloquence, he proceeded : “Gentlemen, the beasts of the field, the birds of the air suckle their young, and——”



But at this point the learned Judge interrupted him, and said :

“Mr. F——, if you establish the latter part of your proposition, your client will be acquitted to a certainty.”

On another occasion, while Mr. Justice Byles was summing-up at the Central Criminal Court, my learned friend, Arthur Collins, interposing, said :

“My lord, you have missed so-and-so” (mentioning some fact that the Judge had not put to the jury).

“Have I, Mr. Collins?” said his lordship, with a peculiar twinkle in his eye. “Well, I will put it if you like, but remember, it is a two-edged sword. *Shall* I put it, Mr. Collins?”

“Oh, no, thank you, my lord,” said Collins, hurriedly, as he promptly resumed his seat.

The next case of importance in which I figured occurred in the same year. It was characterised by somewhat peculiar circumstances. I belonged to a Dining Club, the members of which used to meet at 5.30 p.m. every Saturday at the Café de l'Europe. It was called the “Caffres,” and among the members were Keeley, Buckstone, Albert Smith, Benjamin Webster, and Mark Lemon. The “Caffre” chief was a gentleman named Watkins, the principal partner in the firm of Morden and Co. A Mr. Wild was the proprietor of the café, his predecessor having been a person named H——s, who had failed. When the crash came, his two daughters—the eldest of whom, Floretta, was

about nineteen, and her sister some twelve months younger—had, with a view to gain their own livelihood, gone upon the stage. Floretta had been playing somewhere in the North, and during her engagement had been seduced by the manager of the theatre, who was a married man. Abandoned and left destitute, she had come up to London and taken refuge in a garret in Soho, where the child was born. Its dead body was subsequently found under somewhat peculiar circumstances, and the unfortunate woman was arrested, and charged with the murder. The matter got into the newspapers, and was discussed by us at one of the club dinners. We had all known the girl, and had always found her most quiet, well-behaved, and lady-like. We were very sorry that this trouble had fallen upon her, and, with a view to have her properly defended, we started a subscription list on her behalf, and raised a considerable sum of money. Watkins asked me to mention the name of a good criminal lawyer with whom to entrust the girl's defence. I referred him to Mr. James Lewis, for it was my honest opinion that he would be the best man for the work; and this, I may mention in passing, was practically my first introduction to the firm.

Watkins went to Ely Place, saw Mr. Lewis, and suggested that I should conduct the defence. The reply was: "You will really be doing him a bad turn by putting the matter in his hands. You see, he has not long been at the Bar, and this is a case

that requires a good deal of experience and very delicate handling. If, as you seem to suggest, there is no absolute lack of means, I should advise you to have Serjeant Ballantine. I will see Mr. Montagu Williams and explain the matter to him, and I am quite sure that, when I do so, he will see it in the same light as I do. He shall be junior."

Mr. Lewis saw me, as arranged, and as I eagerly agreed to some one else bearing the burden of this exceedingly painful case, the Serjeant was duly instructed. He put in an appearance at the trial, but, as my luck would have it, in the middle of the case he was called away to Westminster, there to argue some most important matter which he could not possibly neglect.

I need hardly say that, when I came to address the jury, everything was in my favour — a weeping woman, barely twenty years of age, in the dock; the terrible story of her seduction; the agony, physical and mental, she must have endured in her time of travail, with no living soul by to assist and comfort her. This, as will readily be understood, was material that was not very difficult to handle. Of course the principal part of my defence was an attack upon the man who had so wronged her, and I remember that in concluding my speech I quoted the following lines :

O Heaven ! that such companions thou'dst unfold,  
And put in every honest hand a whip  
To lash the rascals naked through the world.

My client was acquitted, and from that moment I think my fortune was fairly safe. This was my first real introduction to Serjeant Ballantine, and during the remainder of his career at the Bar, whenever he had a criminal case of importance, I was nearly always his junior.

The Serjeant was a very extraordinary man. He was the best cross-examiner of his kind that I have ever heard, and the quickest at swallowing facts. It was not necessary for him to read his brief; he had a marvellous faculty for picking up a case as it went along, or learning all the essentials in a hurried colloquy with his junior. There is no point that the Serjeant might not have attained in his profession, had he only possessed more ballast. He was, however, utterly reckless, generous to a fault, and heedless of the future. His opinion of men could never be relied upon, for he praised or blamed them from day to day, just as they happened to please or annoy him. He often said bitter things, but never, I think, ill-naturedly. His fault was probably that he did not give himself time to think before he spoke.

Ballantine's manner of addressing a jury was somewhat drawling and hesitating. Nevertheless it was a manner that possessed a considerable charm, and he had a way of introducing jokes and anecdotes into his speech that was very effective. He was a great verdict-getter, sometimes being successful in the most desperate cases. He never funk'd what we lawyers call a "dead" case, and was always cheery and bright.

Between the Sessions, when there was no Police Court work to do, I used to go down to Westminster, where I managed to get a little civil business. One day, shortly after the trial of Floretta H——s, I was in the Court of Queen's Bench, which was sitting *in banco*, and presided over by Lord Chief Justice Cockburn, assisted by Mr. Justice Wightman and Mr. Justice Crompton. Serjeant Ballantine's clerk, Worster (who had held the appointment Heaven knows how many years), came up and asked me whether, as his chief was absent, I would watch a case that was about to be argued. He explained that, as the Serjeant's junior, J. O. Griffiths, was in the building, and would shortly put in an appearance, all that it would be necessary for me to do would be to take a note of what was going on. As a matter of fact, I had never argued a case in the Civil Court *in banco* in my life, though, of course, this was no reason why I should not make myself useful in the manner suggested. To my horror, however, several other cases having broken down, ours was called on prematurely, and a considerable time before Mr. Griffiths was likely to arrive. The other side had to begin, and Serjeant Parry, who was opposed to us, got up to open his speech. I rose, too, and, addressing the Bench, said: "My lords, I hope you won't take this case yet. Serjeant Ballantine is on this side, and Mr. J. O. Griffiths. Neither of them is here, and I know nothing of the case, as I was not in it at the trial. I only came here to take a note."

Good-natured Justice Wightman (he was, indeed, one of the pleasantest and most kind-hearted men that ever lived), looking at me indulgently, said: "Oh, you only came here to take a note, did you?" Then he turned to Cockburn, and I overheard him say: "He's very young, and I don't think we ought to press him;" whereupon the case was adjourned, and I was released from my most embarrassing position.

On one occasion, in an action for false imprisonment, heard before Mr. Justice Wightman, Ribton was addressing the jury at great length, repeating himself constantly, and never giving the slightest sign of winding up. When he had been pounding away for several hours, the good old Judge interposed, and said: "Mr. Ribton, you've said that before." "Have I, my lord?" said Ribton; "I'm very sorry. I quite forgot it." "Don't apologise, Mr. Ribton," was the answer. "I forgive you; for it was a very long time ago."

I remember a civil action, brought upon a bill of exchange, in which I was Serjeant Ballantine's junior. We appeared for the defence, and were instructed by a little Jewish solicitor named K——h. The consultation took place at No. 1, Paper Buildings, and at its conclusion the solicitor withdrew to arrange pecuniary matters with Worster in an adjoining room. I stood, somewhat depressed, by the window, looking out into the Temple Gardens. "You seem rather out of sorts," said the Serjeant, "what's the matter?" "Well," said I, "I was thinking what I should do if you don't turn

up at this trial to-morrow. I suppose you know it's to be in the paper. It's the most fraudulent case I believe you were ever in in your life, and I'm quite sure of one thing, if I'm left to do it, I shan't escape with my wig and gown. I suppose you've a lot of special juries, and you won't attend to this. It's of no use your handing over your brief to somebody else. If anybody else undertakes it he is sure to repent and withdraw the instant he has read the brief, and I should then be left entirely alone. Sooner than this should be, I'd rather almost return the brief and the fee." "Don't dream of that," said the Serjeant, "never return anything at the Bar—I never do; and as for your not being able to do it, rubbish! you can do it right enough if I'm not there. But don't worry yourself, I'm not very busy to-morrow, and I promise you you shan't be called upon."

The next morning arrived, and the case, which was about the third on the list, was to come on in the Little Queen's Bench, a small Court at the end of the Guildhall, somewhat resembling a cucumber frame. The Judge was Mr. Justice Crompton, familiarly known as Charlie. The learned Serjeant was busily engaged in the large Court opposite, presided over by Chief Baron Pollock. I sent for Worster, who informed me that my leader was just finishing his address to the jury, that he would be with me in a little while, and that in the meantime I was to go on. The pleadings having been opened, Huddleston, who was for the plaintiff, began

his speech, the Jewish solicitor, sitting in the well of the Court, looking wistfully at the door for the arrival of my chief. At length the Serjeant rushed in—his wig on the back of his head, and his silk gown well down over his shoulders—and took his seat in the front row. Our opponent was, at this moment, characterising our case as the very reverse of honest, alleging fraud and every other enormity, and impressing upon the common jury (and a very common jury it was) that our client, if he made his appearance in any Court, certainly should not make that appearance in a civil one. The Serjeant was never in better form, and, during his speech, fired off a number of small jokes, much to the delight of the jury. I have noticed, indeed, that juries, in a Court of law, as also the ushers, are always convulsed with laughter on the smallest possible provocation. We were, in a word, getting on swimmingly with everybody but the Judge, who, ignoring the Serjeant's fun, was jotting down in his book some shorthand notes of what he intended to say in his summing-up. At length the evidence and speeches came to an end, and his lordship addressed the jury. He demolished us in a very few sentences, and concluded by painting our client in even blacker colours than had been employed by the counsel for the plaintiff. When he concluded his address it did not really seem that the jury had much to consider; but, to the astonishment of everybody, the foreman asked leave for them to retire. As the usher was swearing them in, the little Jewish solicitor, with a face



beaming with smiles, and with his eyes turned towards the jury-box, said :

“Serjeant, upon my soul I think we shall get a verdict.”

To which the reply was :

“How, sir, do you think that I, or anybody else, can get a verdict if you flash your infernal Israelitish countenance before the jury in that way?” Not in the least abashed or offended, the little man roared with laughter and exclaimed :

“Capital, Serjeant, capital! You must have your little joke.”

On another occasion Ballantine was acting in a case with the same solicitor, and it happened that one of the hostile witnesses also belonged to the Jewish race. Just as the Serjeant was about to examine him, K——h whispered in his ear :

“Ask him, as your first question, if he isn’t a Jew.”

“Why, but you’re a Jew yourself,” said Ballantine, in some surprise.

“Never mind, never mind,” replied the little solicitor, eagerly. “Please do — just to prejudice the jury.”

## CHAPTER VIII.

NEMO ME IMPUNE LACESSIT.

Serjeant Ballantine's weekly custom—A case of fraud—What Ballantine said to the parson—Jews like the Serjeant; but the Serjeant doesn't like Jews—A remarkable piece of cross-examination—"I am his cussed old father"—Ballantine's conduct towards Clarkson—Sparring between the Serjeant and Huddleston—Miss Lydia Thompson's action against Miss Marie Wilton—The comment of a rising young barrister—I desire to join the Oxford Circuit—My father's peculiar objections—I join the Home Circuit—The giants of those days—My first Circuit town—Serjeant Shee's kindness—Mr. Russell Gurney, Sir Thomas Chambers, and Mr. Commissioner Kerr—An instance of great fairness.

At the Central Criminal Court one Monday, the Recorder took two cases in which Ballantine and I appeared—he as leader, and I as junior—and which had been held over from the previous session. It was the Serjeant's custom, during the summer, to stay over the Sunday at the "Star and Garter," at Richmond, coming up to town by an early train on Monday morning. On this particular morning, he did not arrive in Court until the cases were about to come on. Turning to me, he said:

“For goodness’ sake, my dear Montagu, while the jury is being got together and the pleas are taken, tell me something of these infernal cases. I haven’t the remotest idea what they are about. I read my briefs last session ; but in the interval, what with one thing and another, I have entirely forgotten all about them.”

One of the two cases was a charge of fraud against the manager of a Northern bank. It had been removed from Leeds to the Central Criminal Court, under an Act of Parliament known as Palmer’s Act—Palmer being the name of a man who was charged with murder, and whose trial was removed from Stafford to London. The case had created a considerable interest in the locality where the accused resided, and the Court was densely crowded, principally by gentlemen who had travelled up to town to give the prisoner a good character, among the number being (to judge by their dress) several High Church clergymen. While I was busily engaged cramming the Serjeant with the facts of the case, he gave me his undivided attention, completely ignoring everything that was going on around him. As I was pouring information as rapidly as I could into his ear, two gentlemen wearing the white ties, queerly-cut waistcoats, and long frock-coats peculiar to the clergy, came up and touched him on the arm.

“Go on,” said he to me, taking no other notice of the interruption.

In a minute or two they pulled at his silk gown ; but still he paid no heed to their presence. A little later—they having, it must be admitted, shown considerable patience—one of them remarked :

“I beg your pardon. Have I not the honour of addressing Serjeant Ballantine ?”

The answer was : “ Yes ; but can't you see that I am busily engaged and cannot possibly attend to you ? ” and he turned to me with an impetuous gesture, and told me to proceed.

After waiting in silence for several minutes, with truly Christian resignation, the two gentlemen mildly returned to the attack.

“ We won't detain you a minute, Serjeant, ” said the spokesman ; “ we only want to ask one question. ”

“ Well, sir, ” said Ballantine, impatiently, “ and what is it ? ”

“ We only wanted to know, ” the clergyman explained, “ whether they are going to put our dear friend, Mr. —— ” (mentioning the name of the prisoner), “ into that dreadful dock ? ”

“ Why not ? ” was the Serjeant's retort. “ I can tell you it'll take me a d—— lot of trouble to get him out of it. ”

I shall never forget the horror that was depicted upon the faces of the clergymen, as, with an expressive “ Oh ! ” they shrank back into the crowd.

As may be gathered from certain anecdotes told in the last chapter, the Serjeant had anything but a proclivity for men of Eastern origin.

Nevertheless they were very fond of him, and eagerly sought his services. I was his junior in a rather remarkable case in which some Hebrews figured conspicuously. In the course of the trial a very important witness entered the box, and was duly sworn on the Old Testament with his hat on. A good deal depended on this witness, for unless we could shake his credit, it was likely to go hard with the prisoner. The Serjeant cross-examined him, but with little result, and at last, giving the matter up as a bad job, he was about to resume his seat. It happened that Ballantine had taken up his position at the extreme end of the counsel's bench, close to the gangway, and by his side stood a man whose prominent nasal organ was an eloquent testimony to his origin. As soon as this individual perceived that my leader was about to close his cross-examination, he whispered eagerly: "You are not properly instructed. You don't know the man; I know all about him. Ask him, Serjeant—ask him if he ever had a fire."

Quick as lightning Ballantine took the hint. Addressing the witness, he said: "I think that on one occasion you were unfortunate enough to have a fire?"

"Yes," said the witness.

("That's right," said my leader's prompter. "Claim against insurance—arson—Borough Road.")

"I think you lived in the Borough Road?" said the Serjeant.

"Yes," was the reply.

“Insured?”

“Yes.”

“Company were wicked enough to dispute your claim?”

“Yes.”

“And to insist that the fire was not quite the result of accident?”

“Yes.”

“Well, to put the matter plainly, you were tried for arson?”

“Yes.”

“Convicted?”

“Yes.”

“Penal servitude?”

“Yes.”

With a smile of triumph, and a look at the jury, Ballantine was again about to resume his seat.

(“Not at all—not half,” whispered the prompter. “Watch robbery—Bow Street.”)

“Do you know Bow Street?” drawled the Serjeant, again addressing the unfortunate witness.

“Of course I do; of course I know Bow Street,” answered the man, assuming somewhat of a less sheepish demeanour.

“I mean Bow Street Police Court,” said Ballantine; “ever been there?”

“Yes,” was the reply.

“Another unfortunate circumstance in your somewhat varied life—watch robbery?”

“ Yes.”

“ Unfortunate again ? ”

“ I don't understand what you mean.”

“ Yes you do—convicted ? ”

“ Yes.”

Again the Serjeant was about to sit down, but the man at his elbow said :

“ Stay a minute, sir, stay a minute. Fraudulent bankruptcy.”

Ballantine, who thought he had extracted about enough from the witness, replied :

“ Oh, that's a mere trifle.”

“ Never mind ; ask him, Serjeant, ask him,” was the retort.

The Serjeant then put the necessary question. The witness, becoming on a sudden virtuously indignant, replied :

“ Never ! upon my oath—never, I swear it ! ”

Ballantine, turning round to his prompter, said :

“ What do you mean, sir, by giving me false information ? ”

“ It's true, Serjeant, it's true,” the man responded, eagerly. “ I swear it, and *I* ought to know. I'm his cussed old father.”

One day Ballantine told me that when he first began to practise at the Central Criminal Court, there was a good deal of competition among the counsel there. Bodkin, Alley, Phillips, and Clarkson were among the principal men there at the time. “ The

man I feared most," said Ballantine, "and, in fact, the man most in my line, was Clarkson, and it soon became apparent that either he or I must go to the wall. I infinitely preferred that it should be he, and so I devoted my whole life to worrying him. I drove him first to sedative pills, and finally to carbuncles—and he died."

It happened on one occasion that the Serjeant was discussing, with three or four other men, the character of a certain leader, the remarks made being not all of a complimentary nature. Somebody, interposing, said :

"Well, there's one thing, my dear Ballantine, that there's no denying—he never speaks ill of any man."

"No ; of course not," was the Serjeant's rejoinder ; "for he never talks of any one but himself."

In his early career, Ballantine was a great friend of Mr. (now Baron) Huddleston ; but as time went on, and the two became, to a certain degree, professional rivals, the intimacy somewhat cooled. At the time when they were both in large leading business, a rather lively encounter took place between them in a case at Westminster Hall, in which they appeared as opposing counsel. Huddleston, in the course of his remarks, said :

"My learned friend, Serjeant Ballantine, while he was making his speech, reminded me of the ostrich who buried his beak in the sand and imagined that nobody could see his tail."

When it came to Ballantine's turn to reply, he, after



commenting upon the merits of the case, referred to the remarks of his adversary, saying :

“My learned friend, Mr. Huddleston, has been busying himself a good deal about me, and I can't help thinking that in doing so he has wasted both time and abuse. I feel very like the bargee, who, when asked why he allowed his wife to thrash him, replied : ‘It pleases she, and it don't hurt me.’ My learned friend, however, on the present occasion has gone farther. He has lectured me and endeavoured to teach me what my conduct ought to be in the future. Well, I'm very much obliged to him. He has also indulged in similes. He compares me to the ostrich who hides his beak in the sand and imagines that nobody can see his tail. It does not surprise me in the least that he should make use of that simile. I should say that he, above all men, ought to understand it, as the part he alludes to, if it were in the human frame, is the part that is most likely to catch the schoolmaster's eye.”

In early life, Huddleston had been a tutor.

The Serjeant was a very great favourite with members of the theatrical profession, and, when he was in the zenith of his fame, there was scarcely ever a theatrical case heard without his being engaged on one side or the other.

There was an action brought by Miss Lydia Thompson against Miss Marie Wilton (now Mrs. Bancroft), for breach of engagement. It was before a special jury, and the case was tried by Sir William Bovill,

then Chief Justice of the Common Pleas. Huddleston and I were counsel for Miss Thompson, while Ballantine and Lumley Smith represented Marie Wilton. The Court was crowded.

Miss Thompson told her story, and it was then suggested, the plaintiff and the defendant having been intimate friends, that a compromise should be come to. To this end, Huddleston and Ballantine accordingly put their heads together, and in a little while they had agreed upon the terms of a settlement. Neither of the parties to the case had been consulted, however, and when Ballantine brought the matter under the notice of Miss Wilton, that lady exclaimed :

"Not at all ; I won't compromise the matter. She" (alluding to Miss Thompson) "has had the best of it at present. She has been examined, and has told her story ; but I've not played my part yet, and I insist upon doing so, and being called as a witness."

The trial proceeded, and a better witness than Miss Wilton I never heard. In the end, the verdict went against us. Upon one or two counsel expressing their surprise at the result, a rising young junior, who had been casting something very like sheep's-eyes at the defendant, observed :

"Not at all ; it's not in the least surprising. It has been beauty *versus* brains, and the result is natural."

After I had been practising for a year or two, it became necessary for me to choose a circuit. I wrote a letter to my father stating that, if he had no objec-

tion, I should like to join his, the Oxford Circuit. My father had very extraordinary notions, and was no nepotist. He wrote back to say that such position as he had attained in his profession he had attained by his own merits, and he requested me to follow his example. He very much disapproved, he said, of a son hanging on to the skirts of his father's gown; and he strongly recommended me to turn my attention elsewhere.

I joined the Home, now known as the South-Eastern Circuit, intending to change to the Oxford as soon as my father ceased to practise. There were giants in those days upon the Home Circuit, among the number being Bovill, Lush, Ballantine, Parry, Hawkins, Montagu Chambers, and last, but not least, Serjeant Shee. I am not a *laudator temporis acti*, but where could such men now be found?—and Echo answers, “Where?”

I was most fortunate on my first circuit, that is to say, at my first circuit town, Guildford. I had two briefs, both on the civil side. One was in a theatrical action, brought against Captain Horton Rhys, an amateur actor, playing under the name of Morton Price, and a man of considerable fortune. I think the cause of action was breach of engagement; but I remember that I was instructed by my old friend Mr. Hale, now a partner in the firm of Jones, Vallings, and Hale, and I also remember that my leader was Serjeant Shee. The other case had reference to the

right of putting certain boats on certain waters in the neighbourhood of Guildford, and my client was an old Etonian, whose name I have had occasion more than once to mention—Mr. Voules, of Windsor. He determined to have for his case an “Eton team,” as he called it, and his counsel were Mr. (now Sir Richard) Gath, late Chief Justice of India, and myself. I shall never forget my consultation with dear old Serjeant Shee. I knew very little about pleadings, and matters of that kind, and so the work naturally made me feel somewhat nervous. On going upstairs to the consulting room, to see Serjeant Shee, whom I already knew slightly, I had my briefs stuck under my arm, somewhat ostentatiously I am afraid. The old Serjeant patted me on the shoulder and said :

“Lots of briefs flowing in, my boy; delighted to see it.”

When we had taken our seats, and the consultation had begun, he said, turning to the solicitor who instructed us :

“Winning case—pleadings all wrong. That young dog over there smelt it out long ago, as a terrier would a rat, I can see—eh, Montagu Williams? You’ve found it out, I can see it by your face.”

Heaven knows I was as innocent of finding anything out as the man in the moon. I sniggered feebly; and then the Serjeant proceeded to put into my mouth the vital blots in the case of our adversary, which he alone had discovered.

That was the way leaders treated their juniors then. I must leave my successors at the Bar to decide whether or not things are the same now.

I have already mentioned that the principal Judge at the Central Criminal Court was the Recorder, Mr. Russell Gurney, whose successor was the Common Serjeant, Sir Thomas Chambers. The third City Judge was Mr. Commissioner Kerr. I have referred to the eminent qualities of Mr. Russell Gurney, and I may here give an example of his intense fairness. One day I appeared before him to defend a burglar, against whom there were three indictments. Poland prosecuted, and there were several previous convictions on the prisoner's record, though these could not, of course, be put in evidence against him until after conviction. It is, indeed, an illustration of the extreme fairness of the English law, that, when a man is being tried, only evidence bearing upon the particular charge is admitted, no testimony as to his character being brought before the jury, unless the issue is expressly raised by himself, or his counsel. The Recorder, at the trial to which I am referring, summed up on the merits of the case with strict fairness, though the sheet of convictions against the prisoner was lying on the desk in front of his lordship; and the jury, after some consideration, brought in a verdict of "Not Guilty." The Recorder at once made the following remark to the prisoner:

"You are a very fortunate man. I know all about

you—you have been convicted for burglary four times before.”

“My lord,” I exclaimed, as soon as I could make myself heard, “you forget there are two other indictments against the prisoner! You have acquainted the jury with his antecedents. How can he be fairly tried now?”

The Recorder was horrified, and exclaimed :

“Good gracious! What have I done? I had quite forgotten the other indictments.”

“Well, my lord,” I said, “it isn’t fair to try the prisoner on them now.”

“You are quite right,” was the reply. “The only thing I can suggest is that the trial should be postponed until the next Session.”

“But, my lord,” said I, “the jurymen in waiting have heard all this. Then there are the newspapers; how are we to keep the matter out of them? In these days of penny papers, who is without his *Telegraph* or *Standard*? It’s impossible, in my judgment, that the prisoner can now have a fair trial.”

“I quite agree with you,” the Recorder replied; “I see it all now.” Then, turning to Poland, he added: “Mr. Poland, it has been all my fault; but I don’t think you ought to go on with the other charges;” and, in the end, a verdict of acquittal was taken upon all three indictments.

The Common Serjeant, commonly known as Tom Chambers, is also, as Recorder, an excellent criminal

Judge. His quiet, coaxing way has a wonderful effect upon juries, and he can generally control their verdicts. In the latter years of my professional career, that is to say, in its most laborious stage (and laborious it was indeed), what should I have done without the present Recorder? He is the kindest of friends to all who practise before him. To those whose good fortune makes them stagger daily under the pressure of work, he is always considerate and obliging. I don't know for the moment how many years he has been on the City Bench, but he is to-day as good a Judge as ever he was, and I am sure that it is the wish of all who have ever practised before him, that he may live long to enjoy the position he so worthily occupies. Of the third Judge, Mr. Commissioner Kerr, I have little to say. He is a very sharp Scotchman, cultured, astute, and a good lawyer; but he is far too eccentric for any criticism of mine. He never had much practice at the Bar; though he edited, with considerable success, one or two of the principal law text-books. Upon one occasion a barrister asked Hawkins whether it was true that the Lord Chancellor was about to make Mr. Commissioner Kerr a Serjeant. "Impossible!" was the reply. "What Judge could call him 'brother Kerr'?"

The officers of the Court were Mr. Avory (the father of the successful young barrister, Horace Avory), Reed, Henry Avory, and the young Reeds. Mr. Avory's assistant was one who is a great friend of mine—

Douglas Straight, the son of Marshall Straight, Avory's predecessor. Avory himself knew more criminal law than all the Bench of Judges put together. It was most amusing to see him when one of the Judges who came down to the Old Bailey was going a little astray in his knowledge of the law. The good-natured face of the Clerk of Arraigns might be seen nervously twitching, as, taking a huge pinch of snuff, he jumped up, statute in hand, and put his lordship right. He was a thoroughly courteous gentleman, and one of my best friends. I may add that, in my opinion, the staff of legal officers attached to the Central Criminal Court in those days was not to be matched in any other Court in the kingdom.



## CHAPTER IX.

SI NON EURYALUS RUTULOS CECIDISSET IN HOSTES  
HYRTACIDÆ NISO GLORIA NULLA FORET.

The Hatton Garden murder—Pelizzioni charged with the crime—Evidence of the landlord of the “Golden Anchor”—Statement of the dying man—Witnesses for the defence—Accusations against Gregorio—The question of the knife—The prisoner sentenced to death—Excitement among the Italians—A respite obtained—Interposition of Mr. Negretti—Gregorio traced—He is tried for the crime—Fresh evidence—Pelizzioni put into the box—Mr. Negretti’s evidence—Gregorio found guilty of manslaughter—An unprecedented state of things—Pelizzioni tried again on a second indictment—He is acquitted and pardoned—Which one was guilty?

In the month of February, 1865, I was engaged in what I regard as one of the most remarkable cases in my career. This was the Hatton Garden murder, in connection with which there were three trials. The first of these came before Baron Martin at the Central Criminal Court, in the mayoralty of Mr. Warren Hale.

Seraphini Polioni, or Pelizzioni, as he was more commonly called, was indicted for the wilful murder of Michael Harrington. There was a second indict-

ment against him, on which he was charged with wounding, with intent to murder, Alfred Rebbeck. Messrs. Hardinge-Giffard and Besley conducted the prosecution on behalf of the Treasury, and the prisoner was defended by Messrs. Ribton and F. H. Lewis, who were instructed by Messrs. Lewis and Lewis. There were no funds for a third counsel; but Fred Lewis, who was an intimate friend of mine, asked me to assist him, and I did so.

The murder was alleged to have taken place at the "Golden Anchor" public-house, Great Saffron Hill. The district was, and is, peopled very largely by Italians, nearly all the organ-grinders, penny-ice vendors, etc., of the metropolis residing there. The first witness for the prosecution was the landlord of the "Golden Anchor," Frederick Shaw, who deposed that on Monday evening, the 26th December, at about six o'clock, the prisoner came to his house in a very excited condition, and said: "I'll kill you, or any Englishman like you." There were several Italians in the tap-room at the time, the witness said, among the number being a man named Gregorio. The witness proceeded to say that a row took place in the tap-room, which he attempted to enter. He was at first prevented from doing so, but he at length forced his way in. He then saw Michael Harrington being taken into the bar parlour, and he heard that the poor fellow had been stabbed. Raising Harrington's shirt, he discovered a wound, and seeing that the man was

*in extremis*, he sent for a constable. Harrington was then taken to the hospital.

The next witness was Rebbeck, the potman. He said that he saw the prisoner leading the way to the tap-room, whereupon he said to him: "I don't want any row here." The prisoner then stabbed him in the right side. He saw the knife with which the wound was inflicted, but could not say what sort of a knife it was, or what sort of a blade it had. He had known the prisoner for four or five years. Pelizzioni ran at him a second time with the knife and struck him on the head. He then turned round and saw Pelizzioni on the top of Harrington. There was no other Italian at that time in the room. He rushed at the prisoner to pull him off Harrington, but became insensible before he could effect his object.

A number of other witnesses were called. A man named Mellership said that he saw Harrington stabbed, that the blow was struck by the prisoner, and that no other Italian was present at the time. Other witnesses swore that, though several Italians had been previously present, the only one there when Harrington received his injury was the man who inflicted it—Pelizzioni. Some of them further stated that they assisted to remove the prisoner from the prostrate body of Harrington. A policeman named Fawel was called, and deposed to going to the "Golden Anchor," and taking the prisoner into custody. He said he found Pelizzioni in a stooping position, held down by a man

named King. Fawel added that, when he arrested the prisoner, the deceased was lying in a corner of the room, and that the man he took into custody was the only Italian present.

The principal police evidence was that of Thomas Ambrose Potter, an inspector of the G division. He gave it as his testimony, *inter alia*, that he took the prisoner in a cab to St. Bartholomew's Hospital, where Harrington was under the care of Dr. Peerless. He led the prisoner to Harrington's bed, which was entirely surrounded by a number of persons. Taking hold of the dying man's hand, he said: "Do you understand what I am saying to you?" The answer was, "Yes." Potter deposed that he then said: "In consequence of what the doctor tells me, I must inform you that you have but a short time to live." Harrington rejoined: "If I am to die, may the Lord have mercy upon me;" saying which he seemed to go off into a doze. Potter said that, with some difficulty, and with the doctor's assistance, he succeeded in rousing the dying man, whom he requested to look round and see if any one he knew were present. Harrington looked round, and, pointing to the prisoner, said: "That is the man who did it. God bless him." Potter would not be positive, on being questioned, whether the words were "God bless him," or "God forgive him." Serjeant Baldock, Potter said, was standing by at the time, writing down what was said, he himself having to hold up Harrington's head. When the

prisoner was shown what had been written down, he said: "I do not understand English writing." Potter then remarked: "What Harrington has said is that you did it." The prisoner answered, "Oh!" and that was all he said.

I must here pause to point out that, up to this stage, nothing had been said about the knife with which the deed was done.

Potter was subjected to a very severe cross-examination by Mr. Ribton, but nothing of any material importance was elicited from him. The case for the Crown concluded with the evidence of Dr. Peerless, the house surgeon at St. Bartholomew's Hospital, who testified that the deceased was brought there on the night of the 26th of December, at about seven o'clock. There was, the witness said, an incised wound of about an inch and three-quarters in extent in the abdomen, and four other wounds on the body. A great deal of hemorrhage took place, and Harrington died about three o'clock on the following day. The witness said that the unfortunate man, when he made the statement to Potter, was perfectly conscious.

A number of witnesses were called for the defence. Their evidence went principally to show that, at the time the deceased was struck, a regular *mêlée* was in progress, a number of Italians armed with knives being present. Gregorio was spoken of as having struck out indiscriminately with his knife.

A witness named Angelinetta, and another named Mossi, were among those who deposed that Gregorio closely resembled the prisoner, and that, since the night in question, he had been missing.

A man named Cetti swore that, after the occurrence, Gregorio came up to him with a knife in his hand, and that he subsequently threw it into the yard of the public-house.

A boy of the name of Cowlands spoke to finding the knife in the urinal, picking it up, and handing it to Inspector Potter.

I will here again point out that Inspector Potter, in his evidence in chief, said nothing about the finding of the knife.

After the boy's evidence, Potter was recalled. On being questioned about the knife, he produced one, and said: "This is what I received from the last witness."

Cowlands, on being recalled, swore, however, that the knife produced was not the one he had found and handed to the Inspector. "It was," he said, using a rather remarkable expression, "much looser than this."

A number of other Italians were called, though their evidence was not particularly satisfactory.

At a late hour, and after an elaborate summing-up by the Judge, the jury retired. They reappeared in a comparatively short time, and returned a verdict of "Guilty," whereupon the Judge sentenced the prisoner to death.

The verdict created a great sensation among the Italians resident in London. The Italian Ambassador, and Count Maffei, the Secretary to the Legation, had interviews with the Minister at the Home Office, on the subject of Pelizzioni's fate. The papers also took the matter up, especially *The Daily Telegraph*, in the columns of which it was argued at great length that, in view of the evidence of the Italians, it would be unsafe to take the man's life. It was stated that Gregorio could be traced, but that time was necessary for the purpose. This argument had its effect, and, just before the day appointed for Pelizzioni's execution, he was respited.

Mr. Negretti, the senior partner in the firm of Negretti and Zambra, the opticians of Holborn Viaduct, was mainly instrumental in tracing Gregorio. He, indeed, strained every nerve to save his countryman's life.

In a few days it was reported that Gregorio Mogni had been arrested at Birmingham. He had, it was stated, made certain confessions to an Italian priest there, in consequence of which Mr. Negretti had been communicated with, and had at once proceeded to the Midland metropolis with some officers from Bow Street. Gregorio was then arrested.

It was stated that Gregorio had dealt the fatal blow, but that, as he did so in a general *mêlée*, his offence was not murder, but merely manslaughter.

On Thursday, March 2nd, that is to say, exactly

one month and a day from the date of Pelizzioni's trial, Gregorio Mogni was placed in the dock on the charge of feloniously killing and slaying Michael Harrington. The case came before Mr. Justice Byles and a jury composed of six foreigners and six Englishmen. Mr. Serjeant Ballantine, Mr. F. H. Lewis, and Mr. Oppenheim conducted the prosecution. The prisoner had no counsel of his own, and refused to plead. A plea of "Not Guilty" was entered for him, and, at the learned Judge's request, I consented to defend him. All the materials I had were a report of the Pelizzioni trial, which my clerk cut out of *The Daily Telegraph*, and a copy of the depositions taken before the magistrate at Bow Street.

A good deal of the evidence given at the previous trial was gone over afresh. Mrs. Shaw, however, the landlady of the "Golden Anchor," who had not been called at the first trial, was now put into the box. She swore that her husband, who, it was admitted, had been struck by somebody before Harrington received the fatal blow, had been struck by Gregorio. She also swore that, as Harrington was entering the tap-room, she saw him seized by Gregorio. The latter raised his hand as if to strike his captive, who was, however, by some means or other taken away. She saw no more of Gregorio, and did not see Harrington stabbed. In conclusion, she said that she was present at the first trial, though she had not been called as a witness.



Giovanni Mogni was then called. He said that on the night in question his brother Gregorio was set upon by Harrington and a party of Englishmen, whereupon, appealing for help, he exclaimed: "Brother, they kill me!" The prisoner, the witness said, then drew his knife and struck out right and left with it. Giovanni deposed that he saw Harrington in the room, though he could not say who stabbed him.

Serjeant Ballantine produced a knife which the witness swore was that which had been used by his brother. On being cross-examined, he said that he left London after the occurrence because he was frightened.

A man named Pietro Maraggi also spoke to seeing the prisoner with a knife in his hand. The witness said to him: "Gregorio, for God's sake put away that knife." Gregorio replied that if he did so they would not get out of that room alive. A quarter of an hour afterwards, when in Cross Street, the witness met the prisoner, who said: "My dear Maraggi, what have I done?" He replied: "You used a knife." The prisoner then said: "Yes, I stabbed three or four. Good-bye. I'm going home. Good night."

A number of other witnesses were called, and among them Giovanni Schiena, who said that he lived in Birmingham, where he met the prisoner after the Pelizzioni trial. The prisoner told him that he had left London because he was in disgrace. He explained that he was in the row that took place at the "Golden Anchor," and that it was he who killed Harrington.

In cross-examination by me the witness altered his statement. He now said that the words used by the prisoner were: "I have been in a row, and I stabbed several, and one is dead. I do not know about the others—whether they are well or not." The witness concluded his evidence by saying that he did not mention what had taken place until the following Saturday.

It was now that the great sensation of the trial occurred. Pelizzioni himself was called and examined by Mr. Serjeant Ballantine. I will give his statement practically *verbatim*. He said:

"I am now in Newgate, under sentence of death. I understand English a little. I have been in this country about ten or eleven years. I know the 'Golden Anchor' public-house on Saffron Hill. I was there on the night of the 26th of December. I was not there when the row began. I was in a public-house we called Bordessa's. I was talking there with some Italians, and one of the Italians came and said that there was a row down at the 'Anchor' along with the English and the Italians. Then he said: 'Your two cousins are down there along with the row.' I then went down. I thought to make it quiet and see my two cousins, Gregorio and Giovanni, and take them away. Directly I went into the tap-room I heard a woman scream. She was the landlady of the house. When she saw me she called me by name. 'Seraphini,' she said, 'my God! Don't let them make no row.'

I said, 'No, Eliza. Tell your husband to keep the English people on one side. I shall try to take the Italians the other way.' I left her there in the tap-room in a small corner going through the bar, and I went into the bagatelle-room where I thought the row was. Directly I opened the door of the bagatelle room just enough to come in, I had a knock on my head, and it knocked me down right on the floor. When half of my body was inside and half outside the door, some one caught hold of my arm and dragged me inside the bagatelle-room. Thus I was kept down there till a policeman came. When the policeman came, somebody said to him: 'I give you in charge of this man.' I said: 'Who gives me in charge?' There was a woman there, and she said: 'I will give you in charge, because you gave me a knock in my mouth and knocked me down with your fist.' I had no knife in my possession at that time. A small knife was taken from me with a white handle. It was taken from me at the Police Court from my right trouser pocket." Looking at a black knife produced by Serjeant Ballantine, he added, "This is not it."

The witness was cross-examined by me, and I put the following question to him: "Do you know a police-constable of the name of Baldock?"

The answer was, "No;" but upon Baldock being called into Court, the witness said: "I know that man by sight, but I don't know his name. When I was taken to the station-house," he continued, "I don't

know whether I was charged with stabbing a man named Rebbeck. The woman said she would give me in charge for knocking her down by my fist. I don't know whether I was charged with stabbing Rebbeck—I can't say. I know that something was said to me that night, but I couldn't hear anything because my head pained me so much. I know the constable read a paper to me, but I couldn't understand. He asked me if I understood English, and I said, 'a little.' He examined my hands, on which there was blood, and he asked me where it came from. I did not say to him, 'I only protected myself.' I said I had the blood from my head. I said I put my hands up to feel my head. I didn't make any further statements by the bedside of the dead man, as alleged by the police. I didn't understand what the dead man said."

Mr. Negretti was the last witness called by the prosecution, and he stated that he was a partner in the firm of Negretti and Zambra, of Holborn; that he was an Italian; and that he had resided in this country for thirty-five years. He said that five or six days after the trial of Pelizzioni he received from Birmingham a paper that was sent by Giovanni Mogni. It arrived twenty minutes before the time at which the express train to Birmingham was due to start; nevertheless he succeeded in catching that train. Arriving at Birmingham, he sought out Gregorio and found him in a carpenter's workshop. The witness said that the first thing he did on seeing Gregorio was to put up his

finger and say, "You rascal! Is it possible you can't get into a fight without using a knife!" Gregorio, the witness said, seemed rather staggered at this, and replied: "Mr. Negretti, you would have done the same if you had been in my place." The witness asked: "Do you know that your cousin is going to be hanged?" The answer was, "No." The witness then said: "Yes, he is;" whereupon Gregorio exclaimed: "Is there no means to save him?" The witness said: "Only by giving yourself up to justice." Gregorio reflected a little, seemed confused, and then said: "Mr. Negretti, I am ready." He at once took down his coat from a peg in the workshop, and added: "Mr. Negretti, my cousin shan't be hanged for me." The witness went on to say, that he and Gregorio afterwards proceeded to the station. On the way thither, the latter said: "I wish to tell you the whole truth. On the night of the murder, I had been drinking a good deal of rum. We Italians were all treating each other, till I was the worse for liquor. Then there was a fight between the English and Italians. I went to my brother Giovanni's assistance. The fight took place in the bagatelle-room and at the time, my cousin Pelizzioni was not there." The witness said that, when they were in the train, he asked Gregorio to go at once to Newgate, and tell his cousin that he had come to deliver himself up.

In cross-examination by me, Mr. Negretti stated that he was supplying the means for conducting the present prosecution. He also stated that Gregorio had in his

possession a passport, obtained from a fellow countryman.

Having addressed the jury for the defence, I called all the English witnesses who had appeared in the first trial, their evidence being for the most part a repetition of that which they had previously given. Baldock stated the additional facts, however, that he took the knife with the white handle from Pelizzioni; that the other knife—the one with the broken point, which had been identified as the property of Gregorio—was given to him, and that he was not present when the latter was found. On being cross-examined by Serjeant Ballantine, he stated that he received the knife with the broken point from Constable Macmann (78 G), who was not present as a witness. He further stated that he found the knife with the white handle in Pelizzioni's pocket, and that the other knife was not produced or made evidence either at the Police Court, or at the previous trial.

The jury retired to consider their verdict, and, on re-entering the box, found Gregorio guilty of manslaughter. They, however, strongly recommended him to mercy, on account of the provocation he had received. Gregorio was then sentenced to five years' penal servitude.

Here, then, was a state of things absolutely without precedent. Pelizzioni was in the condemned cell at Newgate, under sentence of death for the murder of Michael Harrington; Gregorio Mogni was in Millbank,

about to undergo five years' penal servitude for the manslaughter of the same man. The Home Secretary, for the present, positively declined to release Pelizzioni. What, then, was to be done? A solution of the enigma was at length found. There was still, on the files of the Court, the indictment against Pelizzioni for attempting to kill and murder Rebbeck. As justice was still unsatisfied on this indictment, it was resolved to try Pelizzioni afresh for the offence referred to. The matter was considered of such importance that two Judges came down to the Old Bailey to preside over the trial.

On Wednesday, April 12th, Thursday the 13th, and (Good Friday intervening) Saturday the 15th, Seraphini Pelizzioni was put upon his trial for feloniously wounding, with intent to murder, Alfred Rebbeck; the prisoner being, on a second count, further charged with the intent to do him grievous bodily harm. The Crown was represented by Mr. Hardinge-Giffard, Q.C. (he had just taken silk), and Mr. Besley, while Mr. Serjeant Ballantine, Mr. Ribton, and Mr. F. H. Lewis appeared for the prisoner.

I do not propose to go at any length through the evidence. Again Rebbeck was called as a witness for the prosecution. He swore that the prisoner was the man who stabbed him, and he also deposed that when he was taken to the hospital, Mr. Hill, the surgeon, told him to speak the truth, as he was dying. He looked up, and, seeing the prisoner standing by his bedside, said: "That is the man that did it." He deposed that the

prisoner held his head back, but made no reply. The witness said that he had been in the hospital about two months, and that he had known the prisoner before the occurrence at the "Golden Anchor."

Rebbeck was severely cross-examined by Ballantine, but adhered to his statement that it was Pelizzioni who had struck him.

A man named Bannister, who had also been stabbed upon the night in question, was now put into the witness-box. He swore, among other things, that he did not know who it was that stabbed him, and that Pelizzioni was the only Italian in the room when Rebbeck and Harrington were wounded.

Fawel, the policeman, was called, and gave evidence with reference to the knife. He said: "I think it was on the following night that I saw the knife given to Mr. Potter by the potman at Bordessa's, which is close to the 'Golden Anchor.' I was alongside Mr. Potter when I saw the knife. I don't know whether it is here now; I fancy" (looking at a knife that was handed to him) "that is the one. I believe Mr. Potter kept possession of the knife after he received it from the potman."

John Macmann (78 G) was then called. He stated that he received the knife from a boy, who pointed out the spot on which he had found it. The witness added that he placed a stone to mark the spot indicated by the boy. He further stated that when he received the knife it had a quantity of blood upon it, the



stains that remained not representing the whole of the amount. He deposed that he gave the knife to Serjeant Baldock, who handed it to Mr. Potter.

The next witness was Inspector Potter, who adhered to his former statement as to what took place at Harrington's bedside. He said that he received the knife from one of the officers—it might have been Baldock. When under cross-examination by the Serjeant—and it was one of the best pieces of cross-examination I ever heard in my life—he admitted that the knife was in Court, though not alluded to, during the first trial, and that subsequently, at the Police Court, he heard for the first time that it belonged to Gregorio.

It was during this cross-examination that a rather funny incident occurred. Ballantine had been bearing somewhat heavily upon the witness—as to his experience, as to the non-production of the knife, and so forth—and one of the questions he asked was: “Mr. Potter, when were you made Inspector?”

Instantly the policeman replied: “On the same day, sir, that you were made Serjeant.”

In the end, after a most exhaustive trial, Pelizzioni was acquitted on this indictment. A few days afterwards he received Her Majesty's most gracious pardon for the murder of Michael Harrington, and was released.

I have given somewhat copious details of these three trials for this reason: the case was perhaps the most remarkable one that I ever took part in.

I have never been able to make up my mind as to the truth of the matter. Did Gregorio sacrifice himself for his cousin and friend? Of course it is obvious that in the one case there was the certainty that life would be sacrificed, whereas, in the other, all that could take place would be that the liberty of the subject would be temporarily suspended. Certainly, according to the testimony of Mr. Negretti, like Nisus of old, Gregorio practically exclaimed: "Me me adsum qui feci in me convertite ferrum."

## CHAPTER X.

SI JUDICAS COGNOSCE.

A case of sheep-stealing—The *alibi* I set up—It is pooh-poohed from the Bench—A verdict of “Guilty”—What took place twelve months later—“You condemned an innocent man”—The Drovers’ Association take the matter up—Her Majesty’s “pardon”—The prison doors release a maniac—Anticipatory mourning: Hawkins’ little joke—“A fly-blow in the ocean.”

It was about this time that I figured in another trial of a remarkable character. A man, whose name for the moment I forget, was charged at the Middlesex Sessions, before Sir William Bodkin, with sheep-stealing. Mr. Metcalfe prosecuted, and I defended.

The evidence against the prisoner depended entirely upon the question of identity. Two policemen declared that one morning, just as daylight was breaking, they met the prisoner, in the neighbourhood of Hornsey, driving a flock of sheep in the direction of the Cattle Market. The prisoner, it was alleged, stopped one of the constables, and asked for a light for his pipe, which was given him. Both witnesses positively swore that the prisoner was the man. They had, in fact, picked him

out at the station, from a number of other persons ; and there was no shaking their evidence.

A publican from the Meat Market was also called, and he swore that the prisoner was the man who drove the sheep into his yard to be slaughtered. The butcher who bought the carcasses was also called, and he declared on oath that the prisoner was the man who sold them to him.

The accused strongly protested his innocence. My instructions were to call witnesses who would prove a conclusive *alibi*. These witnesses were the prisoner's father, mother, and sisters. He was a married man ; but, of course, it was not competent for him to call his wife as a witness on his behalf. The law which prohibits this course of action will probably soon be altered, and, in my humble opinion, the sooner the better.

The family all lived together in three little rooms. A plan of the house was produced—a rough plan, such as alone would be within the means of a poor man—and from this plan it appeared that the sisters occupied a room approached from the passage, and that the prisoner and his wife occupied a room that had only one door, which opened into the third room—the one occupied by the father and mother. As I have said, the various members of the prisoner's family, except his wife, were put into the box. They all swore that at about eleven o'clock p.m., the prisoner and his wife retired to bed, that the former got up between six and seven on the following morning, and that he

had not stirred from his room in the interval. Had he done so, it was pointed out, he must have passed through the room occupied by his father and mother, who would assuredly have heard him; and they both swore positively that they had not done so, that he had not passed through, and that the outer door had not been unfastened during the night.

These good folks gave their evidence most admirably, and upon their being cross-examined by opposing counsel, their statements were not shaken in the least. They appeared to be honest and respectable people, and it was manifest that they felt acutely the miserable position in which their relative was placed.

In summing up, the Assistant Judge, Sir William, pooh-poohed the *alibi*. He observed that they must all feel sorry for the witnesses. They were, however, relatives of the prisoner, and, therefore, they had the strongest inducement to shield him. His lordship also pointed out that it had transpired that the prisoner was the breadwinner of the family, whose members, he added, had thus an additional motive for stating that which was not true. He then went on to explain to the jury how easy it was to establish an *alibi*. "You have only," he said, "to state a certain number of facts which are actually true, to change the date, and there you have your *alibi*. This is how *alibis* are fabricated."

The jury returned a verdict of "Guilty," and the prisoner was sentenced to five years' penal servitude.

Twelve months elapsed, and again, in the same Court and before the same Judge, I appeared to defend a man who was charged with an offence of the same class. It was a wholesale business ; the prisoner had been at it for years. He rented a cottage, attached to which were some out-houses, used by him for the slaughter of the sheep he had stolen. Some of the animals' carcasses were found hanging in one of these receptacles, and close by lay a heap of the skins, with the marks of the owners branded upon them. Further than this, there was the evidence of the boots. In the mud at the place where the sheep were stolen, footprints were found, and it was seen that there had been four nails missing from one of the boots that had made those footprints. This was the boot of the right foot, and it was discovered that four nails were also missing from the prisoner's right boot.

The case was one of those in which counsel for the defence has little to do. He can only, as Huddleston once put it, jump in and splash about. I did this ; but it is scarcely necessary to mention the result. The prisoner was found guilty. The Judge asked him if he had anything to say, and, to the astonishment of everybody, he replied :

“Nothing about myself, my lord, but something about you. A year ago you condemned an innocent man, and he is at present undergoing penal servitude. Mr. Williams, my counsel, was counsel for him. It was I who stole the sheep that were driven from

Hornsey to the Meat Market. I am he for whom the innocent man was identified. Look at me, sir; look at me, Mr. Williams.”

I looked, and perceived that the prisoner was speaking the truth; the men were as like as two peas.

The Judge—for no Judge likes to think he has been wrong—pooh-poohed the matter; but the chairman of the Drovers' Association, on reading the report of the trial in the newspapers, took the matter up. The Drovers' Association, fortunately, is not a poor body. The case was brought before the Home Secretary, affidavits were made, proofs were exhibited, and, in the end, Her Majesty's "pardon" was granted to the man who had been wrongly condemned.

The poor fellow was liberated, in a terribly shattered state of health. What reparation could be made to him? His wife had died during his imprisonment, and the other members of the family—he no longer being present to support them—had been driven into the workhouse. These facts were brought before Parliament by one of the metropolitan Members, and the matter was discussed, with the result that it was decided to give this man, as compensation for the wrongs he had sustained, a sum of money—I forget the exact sum, but it was not a large one.

What sarcasm! The man had become hopelessly insane, and, if still alive, is an inmate of one of the metropolitan lunatic asylums.

I cannot forbear from referring to an incident that occurred in connection with the trial of Karl Kohl, early in the year 1865, for the cruel murder of Theodore Christian Führhop. The prisoner was prosecuted by the Solicitor-General, Serjeant Ballantine, and Mr. Hannen (now President of the Divorce Court), and was defended by Mr. Best and Mr. Harry Palmer. The case may be brought home to the recollection of some of my readers when I mention that it was known as the murder of the Plaistowe Marshes.

Poor Best was always most unfortunate in his clients. He used to be the defending counsel in a great many murder cases of the poorer sort. By that I mean, cases in which there was very little money.

Just as Best was about to rise to address the jury for the prisoner, a large white envelope was handed to him by the usher. It was sealed with black sealing-wax and bound with black ribbon. Upon opening it, Best discovered that the envelope contained a black hatband and a pair of black kid gloves. These had been sent to him by Hawkins, as anticipatory mourning for his client.

I am here reminded of another anecdote about Best. He was a most extraordinary elocutionist, and was always indulging in sensational and high-flown forms of speech. On one occasion he was conducting a case of debt at Westminster before a common jury, and, addressing them, he said: "Gentlemen, your verdict is life or death to my client, the defendant. He is a poor



man, and an adverse verdict will be his ruin. Consider, gentlemen, what it would be to the plaintiff. Why, it would be nothing to him. He is a man of substance and of means, and to him an adverse verdict would be only like a fly-blow in the ocean."

## CHAPTER XI.

QUI DUO CORPORIBUS MENTIBUS UNUS ERANT.

The Cannon Street murder—Evidence of the cook—An important letter—Mrs. Robbins' testimony—Statement by George Terry—I call witnesses for the defence—Great conflict of evidence: the issue hopelessly confused—A verdict of "Not Guilty"—The murder remains a mystery—My friend Douglas Straight—My earliest recollection of him: how he cuffed the ears of two small boys—"The Twins"—An amusing observation that we overheard.

THE next trial of any importance in which I was concerned was that of William Smith for the murder of Sarah Milson, housekeeper to Messrs. Bevington and Sons, of No. 2, Cannon Street, City, the case being popularly known as "The Cannon Street Murder." I appeared as counsel for the accused at the preliminary hearing before the magistrate at the Mansion House, when my client was committed for trial.

The case came on at the Central Criminal Court on the 13th and 14th of June. It was in the mayoralty of Sir Benjamin Phillips, and the Judge was Mr. Baron Bramwell. The prosecution was conducted by Messrs. Metcalfe and Douglas Straight,

and the defence by Serjeant Ballantine, myself, and Mr. Littler. The case was one in which I took a very great deal of interest, because, as will be seen by-and-by, the prisoner was a native of Eton; and the *alibi* that we set up involved a question as to whether he could have got to the Slough Station in a given time from the far end of Windsor. As the reader will remember, I had lived at Windsor and Eton in my early days and therefore was very familiar with the whole locality.

It appeared that the deceased woman was a widow, and that she had been in Messrs. Bevington's employment for some years. The premises were looked after by her and a man named Kit, part of whose duty it was to lock the doors at night, when all the "hands" had left. He gave the keys to Mrs. Milson, taking care to keep the key of the safe separate from the others. The only possible access to the building at night was from Cannon Street.

The murder took place on the evening of Wednesday, the 11th of April. Kit deposed that, when he had locked up on that day, he called Mrs. Milson through the speaking tube, and, upon her coming downstairs, handed her the keys. Afterwards, having seen that the gas was alight in the lobby, he left the building, Mrs. Milson showing him out.

The next witness was the cook, who had been in the establishment about the same length of time as Mrs. Milson. On the night of the murder, she

and the deceased were the only two persons in the building. In her evidence, she stated that after the place had been closed, and while Mrs. Milson was sitting in the dining-room, and she was in the bedroom, she heard a ring at the bell. She was about to go down and answer it, when Mrs. Milson called out to her from the dining-room, saying:

“Elizabeth, the bell is for me; I will go down.”

This was, as nearly as the witness could recollect, at about ten minutes past nine. She never saw Mrs. Milson alive again. On subsequently going down with a candle, she found the poor creature lying dead at the foot of the stairs. At once she ran to the door and, seeing a police-constable, called him in. They examined the body, and found that the head of the deceased was partially battered in, and that there was a quantity of blood upon the stairs.

This witness further deposed that on several evenings, prior to the date in question, a man had called to see the housekeeper. The witness said that she herself had never seen this man; but that on one occasion, just before his arrival, Mrs. Milson had borrowed two sovereigns from her. She lent the money, and it was afterwards repaid.

The constable who had been called in was next placed in the box, and, having given evidence as to the position in which he found the body, produced a crowbar which he had discovered lying close by, and which, though it had no stains of blood remaining upon it, was un-

doubtedly the instrument with which the murder was committed.

In the course of the evidence, a letter was produced which was found in one of the boxes of the deceased. It ran as follows :

“Mrs. Milson, the bearer of this, I have sent to you as my adviser. I have taken this course, as I have received so much annoyance from Mrs. Webber that I can put up with it no longer. I will propose terms to you which you may except or not at your pleasure. Failing to your agreeing to this proposal, he is instructed by me to see Mr. Bevington, and explain to him how the matter stands. You know yourself what reasons you put forth for borrowing the money—doctors’ bills and physicians for your husband, which you know was not so. I shall also have him bring your sister before Mr. Bevington, if necessity, or your obstinacy, compels my adviser to go to the extreme.

“(Signed) GEORGE TERRY.”

A receipt was also produced which had been found with the letter. It was in the following terms :

“Received of Mrs. Milson, £1. W. Denton, for George Terry, 20, Old Change.”

It was proved in the course of the case that the prisoner had at one time lived at that address.

John Moss, a City detective, detailed the circumstances under which he apprehended the prisoner. He

proceeded to Eton, it appears, with the letter and the receipt in his pocket. Calling at 6, Eton Square, he found the prisoner and his mother there.

He said to the former: "Is your name William Smith?" The reply was: "Yes." He then said: "When were you in London last?" To this the prisoner replied: "On the 10th of January, with my mother." The witness deposed that he then showed the prisoner the document signed "W. Denton, for George Terry," and asked: "Is this your handwriting?" The prisoner answered: "Yes, it is. I now know what you mean. I wrote a note for a man." The detective deposed that he then went on to say: "Were you in London last week?" to which the prisoner replied: "Let my mother answer you." The woman then said that she thought her son was not in London during the week, and upon being asked what time he came home on the night in question, she replied that she could not tell what time it was, as she was in bed when he arrived. She went on to say that he had been a great trial to her, for he never would do any work. The witness said that after being arrested, the prisoner was brought up to London, and that on the journey to town he wore a tall hat. The detective stated, however, that he found a "billycock" belonging to the prisoner in his mother's house. Smith was told that he would be charged with wilful murder, and that it was most important for him to remember where he was between

seven and ten o'clock on the 11th of April. He considered awhile, and then said: "I was with a Mr. Harris;" then he added, "I first went with that letter" (alluding to the document signed "W. Denton, for George Terry"). "The latter part of last year I called there at about three o'clock in the afternoon. She (Mrs. Milson) was washing up, I believe, at the time. It was either Thursday or Friday." The detective then said: "Did you write the receipt?" To this the prisoner replied: "It is of no use denying that it is in my handwriting. It can be proved to be." On being pressed as to why he had signed "W. Denton," he said: "I have sometimes called myself by that name." The prisoner went on to say that he had called three times on Mrs. Milson, that she had paid him two sovereigns, and that he had given her a receipt each time.

John Foulger, an Inspector of the City Police at Bow Lane Station—and I may here, in parenthesis, say, one of the ablest officers of that most excellent force—deposed that on the day after the murder, a woman named Mrs. Robbins came to him and said that she could give some information respecting a man who had left Messrs. Bevington's premises on the previous evening. The Inspector then went on to explain an artifice that was resorted to in order to see whether Mrs. Robbins would be able to identify the man in custody as the man whom she saw leave Messrs. Bevington's premises. The prisoner, without

being handcuffed, and accompanied by two officers in plain clothes, was made to walk from Bow Lane to the Mansion House, Cannon Street being of course traversed *en route*. There was nothing to indicate that the man was in custody, as he was permitted to walk in perfect freedom. Inspector Foulger had previously told Mrs. Robbins to stand at her door for a quarter of an hour and see whether she saw any one resembling the man to whom she had referred. After the prisoner had passed by, the Inspector went to Mrs. Robbins, and, in consequence of what she told him, requested her to come to the Mansion House. A number of persons were there placed with the prisoner in a room, through which Mrs. Robbins was made to pass and repass. As she was traversing the room for the second time, she exclaimed, pointing to the prisoner: "The third man is the man that I saw."

Inspector Foulger was subjected to a long and able cross-examination by the Serjeant, who endeavoured, by his questions, to obtain an admission to the effect that the artifice resorted to afforded an indirect means of fixing Mrs. Robbins' attention upon the prisoner.

A man of the name of Betterson gave evidence, and stated that, about four or five months ago, while in the warehouse, he saw the prisoner, who asked for Mrs. Milson. Another witness was a woman who deposed that she was on friendly terms with Mrs. Milson, whom she was in the habit of visiting, and



that, on the occasion of one of her visits, she had seen the prisoner at the house in Cannon Street.

Catherine Collins, who had been a servant of Mrs. Robbins during the two or three months previous to the murder, stated that she had seen the prisoner call next door on more than one occasion.

Mrs. Robbins herself was the next witness, and upon her to a very large extent the prosecution depended. She said that she was a widow, and that she acted as housekeeper at No. 1, Cannon Street, living on the premises with her servant, Catherine Collins. She stated that, on the 11th April, she went out at about ten minutes to eight, returning at about ten minutes to ten. She rang the bell, and, just as she was doing so, was very much alarmed by the violent slamming of Messrs. Bevington's door. Looking round, she saw a man leave the steps, and pass her on the right. He gave her a side look as he passed her, with reference to which proceeding the witness used the following extraordinary expression: "His left eye and my right eye met at the same moment." The light of the hall-lamp was shining on the man's face, and he walked in a very hurried manner, leaning forward as he went. When she saw him leave Messrs. Bevington's, he was wearing dark clothes, and a tall hat.

George Terry was then put into the box, and he stated that he was at present an inmate of St. Olave's Workhouse. He had, he said, known Mrs.

Milson during her husband's lifetime, when she lived next door to him. She was friendly with his wife at the time. As she was in difficulties, he got a Mrs. Webber to lend her some money—he believed as much as £35. Some time afterwards, he himself got into difficulties, and ultimately had to go into the workhouse. At the end of the previous year—1865—he was lodging in Dancer Street, near the Mint. He knew the prisoner then by sight, and that was all. They were living at the same lodging-house. He knew the prisoner by the name of Bill. One day he said to the prisoner: "There is some money owing to me," to which the prisoner replied: "I can get it." They then talked the matter over, and the prisoner promised that he would see about it. The next day they went out together, and, after the witness had bought a piece of paper, they went to the "Globe" public-house, where the prisoner wrote a letter.

The witness said he did not remember what was in the letter, which, however, he knew was addressed to Mrs. Milson. They both went out together, and he pointed out to the prisoner the establishment of Messrs. Bevington, in Cannon Street. The prisoner called there, and, when he came out, said he had been told that he could not see Mrs. Milson then, but that he must return at about three o'clock. They went away, but returned at the specified hour, when the prisoner again entered the premises alone. He reappeared in about half an hour's time, and said: "How much do

you think I've got?" The witness replied, "Two pounds;" but the prisoner explained that he had only got twelve shillings. He handed over a portion of the money, remarking that Mrs. Milson had had to borrow it from the cook. The witness went on to say that he had never sent the prisoner to the house again, and was not aware that he had received two other sums of one pound each.

Henry Giles, a boat-builder, of Brockhurst Lane, Eton, gave some most important evidence. He said that, on the 11th or 12th of April, he saw the prisoner in Bingfield's beerhouse. Addressing the prisoner, the witness said: "Will you have a game of dominoes?" To this the reply had been, "I can't, as I have forty miles to go to-night." The witness said: "You can't go forty miles to-night," to which the prisoner replied: "Yes, I can. Supposing I were to go to London and back, that would make it, wouldn't it?" The witness said: "But you are not going to London to-night," to which the reply was: "Yes, I am." The witness then said: "You're a liar!" and they parted. This, it appeared, took place at about seven o'clock in the evening. Giles deposed that at that time the prisoner was wearing a black chimney-pot hat, a black coat, and dark trousers. A witness named Blackman stated that some time after seven o'clock, on the night in question, he saw the prisoner hurrying towards Slough. A guard on the Great Western Railway deposed that on Wednesday, the 11th of April, he worked the 7.43

train from Slough to Paddington. It left Slough, he said, at the proper time, and arrived at Paddington at 8.40—the exact minute it was due. It was also proved by the guard that on the same night a train left Paddington at 10.45, and arrived at Windsor at 11.43. It was also given in evidence that anybody, under ordinary circumstances, could walk from Paddington Station to Bishop's Road Station in three minutes, and that the Metropolitan Railway trains ran every five or ten minutes from Bishop's Road to Farringdon Street and Moorgate Street stations, the time occupied on the journey being from twenty to twenty-three minutes.

This concluded the case for the prosecution. My leader made his speech, and I proceeded to call a number of witnesses for the defence.

It is clear that everything depended upon the whereabouts of the accused on the day of the murder; and it will have been seen that a great deal of evidence had been given which pointed, apparently conclusively, to his having been upon the scene of the crime. I was now able to bring forward some remarkable evidence, however, which had the effect of hopelessly confusing the issue, for witness after witness came forward and testified, with much minuteness of detail, to the fact of the prisoner, on the night in question, having been at Eton. These witnesses included a bootmaker, for whom the prisoner had worked on the 11th of April, and the bootmaker's son; a photographer, who swore positively that he saw the prisoner, between eight and half-past, in a

public-house at Windsor; three men, who deposed to having played cards with him at that public-house at the time specified; the wife of the proprietor of the public-house, who said she had served him with beer as late as twenty minutes past eleven; and his two sisters.

At the end of the evidence, Mr. Baron Bramwell—one of the brightest, soundest, and most lucid Judges that ever sat upon the English Bench—summed up, and the jury, after mature deliberation, returned a verdict of "Not Guilty," whereupon the prisoner was released.

So far as I am aware, from that day to this, nothing more has been heard about the perpetrator of this crime. This is, indeed, one of the many cases of murder in which justice remains unsatisfied; and, owing to the lapse of time, there is every probability that no further light will ever now be thrown upon the mystery.

My very dear friend, Douglas Straight, was called to the Bar on the 11th of November, 1865. Thus only seven months had elapsed when he figured in this important case. His leader, as already stated, was Mr. Metcalfe, who, I may here mention, subsequently became a Q.C., and is now County Court Judge of Bristol. Douglas Straight and I were opposed to one another on this and on many subsequent occasions—a circumstance, however, that never for one moment affected the friendship existing between us.

We were, indeed, the most intimate and the staunchest of friends, and so we remain to this day. He is now Mr. Justice Straight, of Allahabad, one of the North-

West Provinces of India. In 1891, I believe, he will become entitled to his pension, and will return to his native land and to his legion of friends. Douglas Straight has been the architect of his own fortunes. My earliest recollection of him dates from the time when, on leaving Harrow, he came to London, and, with a view to making a little money, turned his attention to journalism. An evening newspaper called the *Glow-worm*, had just been started, and Douglas became one of its principal contributors. The precise circumstances under which I first encountered my future friend were somewhat peculiar. As I was crossing Waterloo Bridge one day, I saw a young man go up to two newsboys and soundly cuff their ears; their offence being that they had failed to call out the *Glow-worm* in sufficiently stentorian tones. It was Douglas Straight.

So intimate did Douglas and I become in after years, that people called us "The Twins." On one occasion we had been fighting a case against one another before an Alderman at the Guildhall, and, on leaving the building, we linked our arms, and proceeded together in the direction of "The Garrick," where we proposed to have lunch. I shall never forget the remark that fell from one of the by-standers as we passed up the street. "Lor, Bill," we heard him say, "ain't we bin sold! Why, we thought they was quarrellin' together inside, like cat and dog. It's all a put-up job, Bill. Just look at 'em now, arm in arm, and roarin' with laughter like two old pals."

## CHAPTER XII.

O RUS QUANDO EGO TE ASPICIAM.

No. 8, Upper Brook Street—A new custom of mine—Mr. and Mrs. Lawson's house at Twickenham—The people who went there—Napier Sturt and the diamond merchant—Sir John Holker's natural surprise—Attempt to burn down *The Daily Telegraph* offices—I am sent "Special" to Windsor—A case of robbery—My curious meeting with London detectives—The statement one of them made to me regarding my client—I am obliged to leave before the verdict is returned—The prisoner's consequent indignation—A verdict of "Not Guilty"—How the released man treated the police to a champagne supper.

I HAD migrated from Brompton, had lived two years in Gordon Street, Gordon Square, and, at the period of which I am now speaking, was located at No. 8, Upper Brook Street. With the exception of one week spent on the Lake of Geneva, with Douglas Straight and other friends, I had taken no holiday during the whole of my professional career. At length, however, the strain began to tell upon me, and, in order to obtain a change of air and scenery, without interfering with my work, it now became my practice, every summer, to take a house up, the river, either at Twickenham or Teddington. In those days Edward Lawson and his

wife had a charming place at Twickenham, called "The Grange." It had some historical associations, having been the orangery of the celebrated Mrs. Jordan. Mr. and Mrs. Lawson were famous for the Sunday parties they gave there. Lady Waldegrave, afterwards Lady Carlingford, had large gatherings of friends at Strawberry Hill, and every Sunday a detachment of them would come over to "The Grange." Among the number were usually Bernal Osborne, Henry James, Calcraft, and Hayward. The contingent of visitors from town as a rule included De Worms, Sir Henry Hoare, Serjeant Ballantine, Douglas Straight, Mr. and Mrs. Knox, John Clayton, dear old Sir Thomas Henry (the Chief Magistrate), Marcus Stone, Tom Robertson, Madge Robertson (now Mrs. Kendal), Mrs. Keeley, Patti, the Marquise de Caux, General Du Plat, Monty Corry, and Napier Sturt. Poor Napier! a better friend man never had. He was always bemoaning his fate as a younger son, and it was a frequent practice of his to pull out a small silver watch, attached to which by way of chain was a common piece of string, and to declare that they were his only worldly possessions. I cannot refrain at this point from telling an anecdote of Napier, the circumstances of which, whenever they recur to my mind, cause me to smile. In Portland Place there lived a very opulent diamond merchant, who was a great entertainer, and very fond of gathering around his table those whom, in the vocabulary of certain persons, are termed "swells."



His acquaintance with this envied class was limited, and thus it came about that the services of Napier, who knew everybody and went everywhere, became invaluable. Napier it was who sent out the invitations, and ordered the dinner, the proprietor of the establishment having nothing more to do than to pay the piper, and receive the guests. I attended one of these dinner parties, and sat next to Sir John Holker, then Attorney-General, who was present for the first time. Napier—who had come late, and, in consequence, had not been able to pay his customary visit to the cellar with the butler to arrange what wines were to be drunk—on tasting his claret, and not finding it to his liking, turned round to his host and said :

“ My dear ——, how do you suppose I am going to ask gentlemen to your table if you give them stuff like this to drink ? For God’s sake, let your butler hand me the keys of the cellar, and come down with me, so that I may find something fit to drink ;” and without another word, he received the keys and left the room, presently to return triumphantly with several bottles of old Lafitte. I shall never forget the expression on my neighbour’s face as he turned to me, and said : “ Does he often do this ? ” I replied : “ Always.”

It was in 1866, that I held my first brief for the proprietors of *The Daily Telegraph*. I need hardly say that in those days the *D. T.* was thoroughly Gladstonian. In point of fact, it was Mr. Gladstone’s organ ; but *tempora mutantur nos et mutamur in illis*.

A man named Poole was charged with setting fire to the offices of the newspaper, which were in Peterborough Court. At that time, Fred Whitehurst (brother of Felix, the clever Paris correspondent) was the manager, Mr. Joseph Ellis was the registered proprietor, Mr. Lionel Lawson and Mr. J. M. Levy were the principal proprietors, and a small share in the enterprise was held by Mr. Edward Lawson, and a gentleman named George Moss.

Mr. Whitehurst was one of the principal witnesses in the case. It appeared that on Sunday the 24th of March, he was wending his way home from the office when he received the startling information that it was on fire. He at once returned, and was not a little relieved to find that the flames had already been practically extinguished. However, if the building had happily been saved from destruction, the situation was still a serious one. The fire had broken out in three distinct places, and was therefore clearly the work of an incendiary. Mr. Whitehurst was able to place other significant facts before the jury. On the 10th inst. another fire had occurred at the office of *The Daily Telegraph*, and on that occasion the accused, who acted as time-keeper, had made the following report of the outbreak :

“ A fire having occurred this, Saturday, afternoon in the old buildings, No. 4, Peterborough Court, and I having discovered and extinguished the same, I beg to report it. It broke out, about four o'clock, in the

basement of the building, and I wish to recommend to your notice a man who assisted me to extinguish the flames."

It appeared that this fire had broken out in the cellar, of which the only key was possessed by the accused.

As the case proceeded, it was proved, with reference to the fire of the 24th March, that on that day Poole entered the paper-room, and said to one of the men : "Are all the others gone yet?" The man was, as a matter of fact, the last one of the "hands" left on the premises, and he said so. Another witness deposed that just before the fire broke out he was standing in the yard, and that the prisoner rushed out of the building in an excited condition, and exclaimed : "What business have you here?" Further evidence was adduced that went to show that Poole was the only man on the premises when the outbreak occurred ; and in the end he was found guilty and sentenced to five years' penal servitude.

It was about this time that, as one afternoon I was sitting in my chambers, my clerk came to me and said that a leading firm of solicitors were very anxious to know if, on the following Wednesday, I could go "special" to Windsor. I can scarcely say "special," however, for just before this my father had died, and I had followed the example of Sir Henry James, and changed from the Home to the Oxford Circuit, joining the Berkshire Sessions. The fee offered, however, was

so large that I looked upon it as a "special" case. It so happened that the Sessions of the Central Criminal Court were held in this particular week, and I had made it an invariable rule, since the time that I got into considerable practice at the Old Bailey, not to leave it while the Sessions were on. My reply, therefore, was that I did not particularly care about the case, and that, if I accepted it, I should very likely have to neglect it at the last moment. In about an hour's time the attorney himself called at my chambers, and, on seeing me, said :

"You really must go to Windsor on Wednesday. My client is most anxious to have your services. It is not a question of money at all. Name your own fee—I mean anything in reason—and I shall be delighted to deliver the brief and hand your clerk the cheque."

I refused to suggest a sum, but he named so tempting a one that I was unable any longer to resist.

On subsequently looking the brief over, judge of my surprise to find that the case was only a very ordinary one. Two men—one of whom only had been arrested—were charged with stealing a cash-box in a public-house in Peascod Street, Windsor, on the Cup day of Ascot Races. I read my papers, and the case appeared to be as conclusive as it could be. The two men had gone down from Paddington to Windsor, where they had arrived at about eleven o'clock in the morning, and they had proceeded together to the public-house, which was of a sporting character. Two or three barmaids

were serving the customers at the time, and, while the men were having some refreshment, it became necessary for one of the girls to go to the cash-box and get change for half-a-sovereign. She threw the lid of the box right open, thereby disclosing to view a number of notes and a quantity of gold. When the races were over the men returned to the public-house, and the one in custody made some excuse to go to the back of the bar. In doing so he distracted the attention of the woman in charge of the cash-box, whereupon the other man snatched it up, and the two hastily decamped. They were followed, and their pursuers, after going a little way, saw them in the distance dividing their spoil. They took to their heels, and the more nimble of the two made good his escape, the other one being caught.

The Recorder of Windsor at that time was Mr. Skinner, Q.C. He was, I believe, rather a convicting Judge, and perhaps it was necessary that he should be, for, as I afterwards learnt (having to go to Windsor on several occasions), the juries there were peculiar ones, not unfrequently including among their number one or two receivers of stolen goods.

On the day of the trial I arrived at Windsor at about ten o'clock. As I was not likely to be wanted much before noon, and as I was rather desirous of visiting anew the haunts of my youth, I set out in the direction of the "White Hart," where I resolved to order some breakfast. I had not proceeded many yards down the High Street, however, when I met

any number of London detectives, among them being Serjeants Cole and Chamberlaine, and two or three inspectors of the Metropolitan and City police. I thought their presence at Windsor rather odd; but I went in to breakfast without troubling my head about the matter. On subsequently leaving the "White Hart," and proceeding in the direction of the Town Hall, I met some more of these servants of the law, and, going up to one of the chief of them, said:

"What are all you men doing down here?"

The officer, with a laugh, replied:

"You're the cause, sir; we've come about that man you are going to defend for stealing the cash-box. We've got him this time, and don't mean to let him go. We can't imagine how he came to do this. It isn't his line at all. We've been trying to catch him for years, but never could manage it."

I became somewhat interested, and was anxious for further particulars.

"Who is he?" I asked; and the officer replied:

"He's the one that finds the brains, and seldom runs the risk. He is the architect of all the big burglaries and portico robberies that take place in the metropolis and provinces. He's a wonderful man, and when a place in the country has been spotted, he goes down and carefully arranges all the plans for bringing off the job. In fact, his is the head that directs. His inferiors, who crack the crib, or mount the portico, simply and solely carry out his instructions. He has

regular depôts for the disposal of the gold, jewellery, plate, etc., not only in this country, but also in different parts of Holland. We know all these facts, and others besides. It was he who planned Lady Margaret ——'s robbery; you must remember it, sir, it's not so very long ago—when thousands upon thousands of pounds worth of jewellery were stolen. What beats us, you know, is that he should have had anything to do with a paltry thing like this—a matter of only two or three hundred pounds; but we've come to the conclusion that he saw the cash-box in the morning, and that the sight was too much for him. He was out for a spree at the races, and I suppose he thought he'd like to pay his exes."

I was very much interested and amused at what the officer told me; but, at this point, I had to leave him, and proceed into Court. As the prisoner, who, by-the-bye, was prosecuted by Mr. J. O. Griffiths, entered the Court to take his place in the dock, I saw a pleased expression pass over his face, as he assured himself of the arrival of the counsel he had chosen. The prisoner was a quiet, fairly well-dressed man, not unlike the sporting publican himself.

The case began at twelve o'clock, and occupied the whole of the day. Now, I had made an appointment for ten o'clock that night, in London, and though it was not on business, it was one that I did not care to break. It was soon apparent, however, that the case was going to extend itself far into the evening. After the speeches

had been delivered on both sides, Skinner summed up, and a more sweeping charge, I think, I never heard. Nevertheless, it did not appear to have much effect upon the jury.

An advocate who has had large experience (especially if that experience has been in criminal cases), can pretty well, when he has finished speaking, tell which way most of the jury incline. It was a custom of mine to try and make sure of two or three of the most likely men first, and then to devote my attention to the others. Sometimes one man in particular would present special difficulties. It would be easy to see that he had formed an opinion adverse to my client, and was sitting there, resolved not to be influenced by what I was saying. There was nothing for it but to patiently hammer away. I found it was half the battle to rouse him from his indifference, and to thoroughly arrest his attention; while, of course, if he once opened his mouth to make an inquiry, and thus gave me an opportunity of addressing myself directly to him, I could usually count upon his allegiance. It was sometimes my experience, too, that, when it came to considering the verdict, one or two strong men would easily carry their fellow-jurors along with them.

But all this is by the way. Skinner's summing-up concluded shortly after six o'clock, and the foreman asked permission for the jury to retire. The excitement of the prisoner during the latter part of the case had been intense. His mouth twitched nervously



and he kept fidgeting with his hands; and I felt it was pretty certain that, if he got out of his present scrape, he would be slow to risk being a second time arrested.

The last train I could catch in order to reach London by ten o'clock was one leaving Windsor at about half-past eight. I told the solicitor who had instructed me that, as it would be useless for me to wait any longer, and as nothing remained for us to do but to receive the verdict, I proposed to take my departure and catch the train. He replied: "Well, the prisoner will make a great fuss if you do. I know he's set his mind entirely on you, and if you go, I won't answer for what he'll do or say."

I replied:

"I really don't mind. I have performed my part of the contract, and I'm going."

I was seated just underneath the jury-box (this being my favourite place in all courts of justice), and it so happened that I could not leave the building without passing the dock. As I did so, the prisoner caught me by the gown, and said, with evident anxiety:

"You are not going, sir!" Well, it is not customary for counsel to speak to prisoners; but there I was—I had to say something.

"I *am* going," I replied; "I've done all I can for you, and I must be in town by ten o'clock."

"Good God, sir," said he, "don't desert me; if you

stay I know I shall win. I know what Mr. —— has marked upon your brief—double the sum!—treble! if you'll only stay."

I need hardly say that I proved inflexible. Hurrying from the Court, I unrobed, handed my bag to my clerk, and just managed to catch the train as it was moving out of the station.

The next morning I went as usual to the Central Criminal Court. On entering the building, whom should I encounter but two or three of the detectives I had seen on the previous day at Windsor. They smiled when they saw me, and one of them shook his head. I called him over, and said: "Well, and what became of that fellow I defended at Windsor yesterday?"

"Oh," he replied, "you've done us, sir. The jury didn't come back till eleven o'clock, and then they brought it in 'Not Guilty.' We had to sleep at Windsor all night, and we've only just come up. Lor bless you, you should have seen that chap when the verdict was given! He was out of the dock and in the streets in a twinkling. When we got out, what did he do but turn to us, and say: 'Come along. I know what you were all here for; but I don't bear no malice. It's all right now, so let's go and have a bottle or two of champagne.' Well, you know, sir," added the officer, with a grin, "it was no use then. The man was free, and, as we had to wait all night in Berkshire, we accepted his offer, and he stood champagne all round like a nobleman."

To this day, I don't think that man has ever been charged again ; in fact, I am sure he had not been up to two years ago, when I ceased to practise ; for had he once more fallen into the hands of the police, I am sure that I should have been the first to hear of it.

## CHAPTER XIII.

PAUPERTAS ONUS ET MISERUM ET GRAVE.

The Middlesex Sessions—An underpaid Judgeship—Poor prisoners and their defence—Where thieves used to live, and where they live now—An impudent little pickpocket I defended—East End lodging-houses: a disgraceful state of things—Suggestions for reform—Midnight rambles in the East End—How a friend and I tried the effects of opium—The “Bridge of Sighs”—A woman lying in the snow with a child in her arms—The poor creature’s desperate resolve—We take her to the refuge.

I HAD not been many years at the Bar before I did more business than anybody else in defending prisoners at the Middlesex Sessions. The Middlesex Sessions were held at the Clerkenwell Session House, on Clerkenwell Green, and they were mainly for the trial of quarter-session cases of the ordinary description, and of appeals from the decisions of the metropolitan magistrates. There were two sets of Sessions in London—the Middlesex and the Surrey. The latter were presided over by Mr. Hardman, the editor of *The Morning Post*, and a bench of unpaid magistrates; the former by Sir William Bodkin, who received a salary of £1,500, and by a Deputy-Assistant Judge,

who sat in the Second Court, and who was paid, as a sort of journeyman, five guineas a day. The calendars at Middlesex were very heavy, and the Sessions were held once a fortnight. The list nearly always contained the names of over a hundred prisoners; thus, more than two hundred were tried every month.

The position of Assistant Judge is an important one, and, as I have always held, is exceedingly badly paid. Sir Peter Edlin is the present Assistant Judge; and I observe from a report in the newspapers, that the London County Council, under whom the Surrey Sessions are now practically abolished, and Middlesex and Surrey grouped together under the name of the London County Sessions—have positively refused, though the work has been almost doubled, to sanction any increase of the salary. I am of opinion that it is quite impossible to get a really good and strong man to discharge the very onerous duties of the office at the small stipend now attached to it.

The Clerkenwell Bar has turned out some very good men, notably Serjeants Ballantine and Parry, the present Lord Chancellor, and Mr. Poland, Q.C.; Surrey can boast of Mr. Douglas Straight and Sir Edward Clarke, who won his spurs as a leading advocate in the Staunton case. A great many of the prisoners at the London Sessions are not defended through the intervention of a solicitor. Their friends—who of course are usually very poor—instruct counsel by either sending them, or handing them in Court, a

copy of the depositions—that is, the evidence that has been already taken before the magistrate. This is called being instructed in person, and the depositions are usually called “i.p.’s.” I am afraid it would never do to inquire too curiously as to where, in these cases, the money comes from to instruct counsel. Very often, in cases of pocket-picking, watch robberies, assaults on the police, etc., the money represents the proceeds of what are termed friendly “leads,” or meetings. The prisoner’s friends hold an harmonic meeting at some public-house, where a small subscription is raised on his behalf. The printed invitations to this meeting that are distributed in the neighbourhood where the prisoner lives, are not drawn up in terms of absolute frankness. It is not bluntly stated that So-and-So is in prison, and in need of funds for his defence; reference is, instead, made to the unfortunate fact that, having been incapacitated for work by breaking his leg, or some accident of that description, he is in financial difficulties.

In the early days of my career as an advocate, a great many of the criminal classes were located in the neighbourhood of Tothill Fields. Petty thieves, and receivers of stolen property, mostly congregated in Seven Dials. Those places have now been morally disinfected; the improvements there having swept away nearly all the small lodging-houses. Of course, a large proportion of the criminal classes always lived in Whitechapel, Shoreditch, and the neighbouring dis-

tricts; but, since the demolitions in the places to which I have just alluded, our whole criminal population seems to have concentrated itself in the East End.

There is a peculiar look about the London pick-pocket, whose portrait, by the way, Dickens drew very accurately in describing Fagin's lads. He is small in stature—his growth being stunted by drink, and other causes—his hair is closely cropped (that being a matter of necessity), and there is a sharp, terrier-like look about his face. Such persons know no difference between right and wrong; at least, a great many of them do not. They have, for the most part, been brought up to thieving from their earliest childhood, and, from the time they were twelve or thirteen years of age, when they had, probably, already undergone two or three short terms of imprisonment, they have been at war with society.

I shall never forget my experiences in defending one of these gentry in the Second Court at Clerkenwell. On looking at the depositions handed to me, I believe by one of his friends, I saw that the case was a completely hopeless one. The prisoner was charged with stealing a watch in the neighbourhood of Finsbury Square. A man was standing there, his attention engaged on something that was going on in the roadway, when he felt a tug at his waistcoat, and, on looking down, found that his watch was gone, and that the broken end of his chain was hanging loosely

from his button-hole. Beside him stood the prisoner, whom he at once seized ; then, on looking down, he saw his watch lying on the pavement. There were several previous convictions against the accused, and, if the result of the trial were antagonistic, it was likely that the Judge would pass upon him a sentence of five or seven years' penal servitude. After the jury had been sworn, and the prisoner had pleaded, I crossed over to the dock and strongly recommended him to withdraw the plea he had just made, and substitute one of "Guilty," promising to say what I thought best for the purpose of mitigating his punishment.

The little rascal was most indignant, and, turning to me, said: "Go on, go on ; I want you to do my case, and I beg you to do it, sir. I shall get out of it. You'll win, I know you will. You've done so twice before for me."

I was somewhat amused at the impudence of my client, and returned to my seat, whereupon the trial proceeded. In the end, the prisoner's anticipation was realised, and he was acquitted. On hearing the verdict he began to literally dance in the dock, and, looking over to me, shouted out: "I told you so—I told you so ! You never know what you can do till you try ;" then, with a bow to the Judge, he skipped down from his position and emerged into liberty.

I have always been of opinion that a great deal of the crime of the metropolis—I mean crime of



this description—is due, in a great measure, to the want of care that is taken of the poorer classes. What is everybody's business seems to be nobody's business; and the lodging-houses, or what are termed "doss" houses, in the East End, are a disgrace to civilisation. These places—which are most numerous in the Shore-ditch, Whitechapel, and Commercial Road districts—are simply and solely the hot-beds of crime. They are pernicious in every respect. In the first place, they are the home of the pickpocket and the ordinary street thief, as distinguished from the burglar. The last-named seldom resorts to them. To have anything like a fixed place of abode, where his goings and comings would be scrutinised, would indeed be fatal to his enterprise, for he carries about with him in his tools conclusive evidence of guilt. The ordinary thieves, however, crowd these establishments, where every little gossoon of fourteen or fifteen has his young woman. In point of fact, these houses are nothing more nor less than brothels. Those in the neighbourhood of Flower and Dean Street, Weymouth Street, and the other alleys and byeways of Spitalfields, often contain as many as one hundred and fifty beds, half of them being what are termed "singles," and half of them "doubles." The "singles," that is, beds for single men, are let at fourpence a night; the "doubles," for male and female, at eightpence.

The rents paid for the buildings themselves by those who farm them—some of whom are very well-to-do

persons, living at the West End, and utterly regardless how their income is derived—are mostly very small; thus, crowded as these houses are every night of the year, they represent a very remunerative investment. They are pernicious in other respects, besides harbouring thieves and prostitutes. Many a man sinks to the lowest depths of poverty through no fault of his own. Hard times come upon him, and one by one his little possessions find their way to the pawn-shop. The poor fellow clings desperately to his home; but that, too, he loses at last. The rent is not forthcoming, and so he and his family are turned into the streets. Where can they go? Of course there is the workhouse; but so long as, by hook or by crook, the man can find the means to pay for board and lodging, to the workhouse he will not go. It is very natural. Poor persons have feelings like their more fortunate brethren, and the man knows that the moment he throws himself upon the parish he will be separated from his wife and children. There is absolutely no alternative but the common lodging-house, and the few coppers necessary to obtain a bed there are usually to be obtained. Once under the roof, the man is, to all intents and purposes, caught in the vortex of crime. New to his surroundings, and desperately eager to obtain food for his family, he may glide at once, and almost imperceptibly, into the dishonest practices of those about him; or—and this is perhaps more frequently the

case—he will resist the temptation for awhile, but at last, in face of the sneers and jeers of his disreputable companions, his moral courage will desert him. On entering the common lodging-house, his children, whose minds have perhaps previously been pure and untainted, will be compelled to listen to oaths, blasphemy, and all manner of filthy conversation. Nor does the hardship stop here.

Parents are not permitted to allow their children to live where bad characters assemble, and the rescue officer from the Reformatory and Refuge Union is empowered to go into places of this description, bring the children away from their parents, and take them before a magistrate, who, in nine cases out of ten, has no alternative but to send them to some industrial or reformatory school.

I have often discussed the question of these lodging-houses with one who, by his position, is, perhaps, better qualified than anybody else to understand their true character. I will repeat the gist of his statements. He said: “Mr. —, whose experience has been very large, thinks that the plan of a complete separation of the sexes would be impracticable, or, if practicable, would give rise to worse evils. He thinks that, if enforced, it would lead to an extension of the furnished-room system, which occasions more shameful immorality than is possible even in the common lodging-houses. When a search was recently being made through Whitechapel and Spitalfields, in connection

with the —— and —— murders, a constable told me that he said to a man named —— (a registered lodging-house keeper, and owner, or leaseholder, of furnished rooms in Great Pearle Street): ‘Do you know that all the women in your furnished rooms are street-walkers?’ whereupon the answer was: ‘I don’t care what they are so long as they bring me in my money.’

“The rooms are said to be let and sub-let, and women lead immoral lives there often in the presence of children. The rooms are let to any who want them—sometimes to boys and girls of sixteen and seventeen years of age, and under. The furnished rooms are under no supervision, and they are virtually places of ill-fame. They are to be found in Flower and Dean Street, Thrawl Street, and Great Pearle Street, at the East End; in St. Clement’s Road, Bangor Street, and St. Catherine’s Road, at Notting Hill; and in Macklin Street, Shelton Street, and Parker Street, at Drury Lane. The three thoroughfares last named, however, I should state, will shortly be demolished.”

I replied :

“You tell me of a disease, or an aggravation of a disease, of the existence of which I was already well aware. You have had the greatest experience of anybody in the metropolis in these matters, and I should therefore like you to tell me what remedy you would propose to adopt.”

The answer was : “What seems to be necessary is a separation of the houses into classes. There should first

be houses for single men, of which class the Victoria Home, in Commercial Street, from which known bad characters are excluded, is a good example. There are a very large number of dock labourers, and others, plunged into the depths of poverty, who would find these houses a suitable asylum. I am bound to say that some occupiers of houses try to keep order; but the proprietors, many of whom are Jews, insist upon the beds being let. Their reply to every remonstrance, is: 'Have respectable people if you can; but let the beds.'"

My informant expressed the opinion that, in Spitalfields, there was room for a couple more houses like the Victoria Home, each accommodating two hundred men. He suggested that a pensioned policeman, from the H Division by preference, should be appointed as "deputy" or manager.

"As you are aware, sir," he continued, "the registered lodging-houses at present in existence, are under the supervision of a man and his wife, or of a woman only, such persons being, in many instances, convicted thieves. It is not the business of the ordinary policeman to visit these houses, save and except when he is in pursuit of a criminal. In the whole Whitechapel district there are but one or two 'lodging-house sergeants,' that is, officers who have the sole right of visiting these places, each of which, therefore, is inspected only about once a week. In my plan, gross behaviour on the part of any lodger would ensure his prompt ejection. Life would

thus be tolerable to those who are merely the victims of misfortune. The second class of houses that I would establish would be for single women. Two houses, each with one hundred beds, would, I think, suffice for the Whitechapel district. They would shelter charwomen, factory women, laundresses, flower-girls, etc.; known prostitutes and thieves being rigidly excluded. Such houses should close not later than twelve o'clock; the places at present in existence being open practically all night. The third class of houses would be for married couples. The existing houses for the accommodation of man and wife are of the vilest possible description, bloodshed being of constant occurrence there.

“A house at the corner of George Street and Thrawl Street is a horrible den. Every policeman knows it, but never ventures to enter it, and, under the present system, he would in all probability be reprimanded if he attempted to report it. Besides, constables, after a long day's work, do not like reporting. There is no doubt that the present mixture of single men and single women with married couples is an incitement to vice. A single woman plies her trade, selling matches, flowers, fruit, etc.; her earnings get her bread, perhaps, or beer, but frequently she has no lodging-money. What follows under the present system is obvious. The proprietors of the houses should, in my opinion, be licensed, and their license withdrawn upon any act of flagrant impropriety being proved against them. I do not say that this idea of mine would in any way diminish the

number of the criminal classes. They would remain. The filthy would be filthy still ; the thieves would still be thieves. But here is where the advantage would come in—they would no longer have the power to corrupt others. Flower and Dean Street, Thrawl Street, Fashion Street, and Wentworth Street all want widening. They need to be intersected by an improved George Street, and it is greatly to be desired that they should all be well lighted and well patrolled. This would diminish crime. Every lodging-house keeper should be quite free from the suspicion of being a receiver of stolen property. At present any one who conforms to sanitary regulations—clean beds, walls, floors, etc.—can get and keep a license.”

Of course my informant's experience has been far greater than mine, but I entirely agree with everything he says. For years, when at the Bar, it was my custom, every now and then, to pay a nocturnal visit to the haunts of the criminal classes in the East End. I was never interfered with. Sometimes, by permission, I was accompanied by a member of the police force in plain clothes, but frequently I went alone.

One day I and a friend, attended by a constable, embarked on an expedition of this kind, during which we were the means, I think, of saving a human life. We visited, some time before twelve o'clock, the different dancing-houses and gin-palaces in Blue Gate Fields and its neighbourhood ; thence we went to the small lane in which the Chinese opium-smokers mostly

congregate. Here we tried the effect of the strange drug, though, as I need hardly say, only to a small extent. We then proceeded to the refuges of the district; places where, up to, I think, one o'clock in the morning, the casual can, under certain circumstances, obtain admission. He gets his bed—such as it is—and his breakfast—some bread and water, I think—for which, before he leaves in the morning, he has to do a certain amount of work, such as stone-breaking or wood-chopping.

It was a bitterly cold night, and shortly after two it came on to snow violently. We were about to visit the last of the refuges, and our way took us to a bridge going over part of the docks, where, as I afterwards learnt, the water was some forty or fifty feet deep. The bridge itself is known by the suggestive name of the "Bridge of Sighs," on account of the number of suicides that take place there. It is now, I believe, always guarded by a policeman on what is termed "fixed point" duty.

When we were some little way from the bridge, the officer accompanying us noticed something that had escaped our attention. It was a dark bundle lying in the snow. He drew forth his lantern, or struck a light—I forget which—and we then discovered that the bundle consisted of two human beings, a woman and a child. The mother had done all she could to keep the bitter, numbing cold from her infant. She had divested herself of her shawl, which must have served the double



purpose of bonnet and wrap, and had folded it around the child. The woman was very poorly clad, but apparently respectable, and the child was scrupulously clean and neatly dressed. The woman told us that she had been turned out of her home; that she had nowhere to go to, and no one to help her; and that she had determined to go the road so many had traversed before her, and, with one final plunge, end her own and her child's misery. She had, however, sunk down just before she reached the Bridge of Sighs, the snow had come on, and her child had fallen asleep.

At this hour in the morning, what on earth was to be done? There seemed no chance of finding shelter for the poor creatures. We three, though well wrapped up, were half frozen with the cold; what, then, must the poor woman and her child be suffering!

I suggested to the officer that we should take the woman to the refuge; but his answer was: "I wouldn't do that, sir, if I were you. The master of the refuge is a rather peculiar man. It is now over an hour past the receiving time, and if you insisted upon his taking the woman" (and here the officer spoke with a touch of genuine feeling) "I think it would be the worst for her, poor thing!"

We were not to be alarmed by this, and we managed to assist the poor woman and her child to the refuge. Though I told the man in authority who I was, he positively refused to take the poor creatures in. It was against orders, he explained. I told him

that I would be responsible for the consequences, and made an entry to that effect in his book. At this he showed some signs of compliance; but what turned the scale was my announcement that my companion was an earl, and intimately connected with the Local Government Board.

The woman and child were admitted; and early next morning, before I proceeded to my legal duties, my friend and I again visited the refuge, and made inquiries into the case that we had assisted. We found that the woman had done all she could to keep herself respectable, and that the story she had told us on the previous night was, in the main, perfectly true. In the end, I believe, we succeeded in being of some permanent benefit to her.

## CHAPTER XIV.

INGRATO HOMINE TERRA PEJUS NIL CREAT.

An amusing case at Bristol—Strange threat of a butcher—Ballantine makes a mistake—The long retirement of the jury—The butcher found to be tattered and bleeding—A cruel murder—The ragged wayfarer and the kind-hearted widow—She accedes to his prayer for a night's lodging—He becomes her manager and collects her rents—A description of the crime—The man is acquitted—He afterwards boasts of his guilt.

IN 1867, I was engaged in a case out of which some amusing incidents arose. A number of persons were committed for trial, by the Bristol Bench, for having taken part in riots during the recent Parliamentary election in the borough. Several London counsel were engaged, both on the Conservative and the Liberal side, among the number being Serjeant Ballantine, Arthur Collins, Mr. Ribton, and myself. The principal defendant was a solicitor named Watkins, who was charged with being the ringleader of a portion of the insurgents.

Ballantine and myself were engaged upon the Conservative side; a circumstance showing how little

politics had to do with the choice of counsel, Ballantine being, at that time, an advanced Liberal.

Serjeant Kinglake, the Recorder of the borough, tried the case, and the Court was densely crowded, the number of ladies preponderating.

In consultation, the Conservative agent, who instructed us for the defence, stated that there lived in the district a certain butcher of strong Liberal sympathies, who had been heard to declare that, somehow or another, he would get sworn upon the jury and then have a leg cut off rather than acquit Watkins. The Conservative agent duly informed us of this person's name.

The hour for the trial to commence arrived, and the clerk proceeded to read over the jury list. To our disgust, one of the names he called out was that of the butcher.

Ballantine was for once caught napping. Starting to his feet he cried, "Challenge!"

Of course, in a case of felony, counsel may object to a juryman, but this cannot be done in a case of misdemeanour.

The Recorder pointed out the slip that Ballantine had made, and my leader was somewhat disconcerted, for he realised that, in challenging the butcher, he had probably only intensified that worthy's hostility. However, the Serjeant quickly recovered his equanimity, and with a smile on his face, said :

"I really quite forgot ; but no matter. I am sure

that when I make the statement I am about to make, the gentleman to whom I was about to object will have too much good feeling to remain and act as one of the judges of the case, but will at once retire from the box." Ballantine then stated to the Court the facts that had been made known to us. Instead, however, of the butcher assuming the lamb-like demeanour that my learned friend had apparently anticipated, he sat very tightly in the box, and said :

"I shan't budge an inch. I never said what has been attributed to me; and if I had said it, I stand upon my rights as an Englishman. I've a right to serve on the jury, and on the jury I'll serve."

I believe the Judge had no power to interfere; at least, if he had, he did not exercise it. He simply said :

"You hear, brother. I must rely, and so must you, upon this gentleman's good sense, and the obligation that he attaches to an oath."

The jurymen were then duly sworn, and the case proceeded. It lasted for two days. The evidence, as usual in such cases, was very conflicting. A number of the witnesses for the prosecution identified our client as "the man on the white horse," who had led on the rioters and incited them to demolish a number of buildings in the town, with cries of "Give them Bristol Bridge"—the phrase having reference to certain political riots that had taken place in Bristol many years before, when a bridge was destroyed, and its bricks

used as missiles. We called a number of witnesses who swore that Watkins was not the man who led the rioters, some of them indeed deposing that he was in a totally different part of the borough at the time the disturbance took place.

At about six o'clock on the second day, the jury retired to consider their verdict. The Court of Bristol is a very handsome one, and furnished with many conveniences unknown elsewhere. When a jury are unable to agree, they are taken to a room in the upper part of the building, which room opens into a little gallery in the Court-house. Thus they are able to communicate with the bench without coming downstairs. Several hours went by, and the jury did not appear. At about ten o'clock the Recorder sent a messenger to them, asking if they had agreed upon their verdict. They came out into the gallery, and stated that they had not agreed upon a verdict, and that there seemed very little likelihood of their being able to do so. Kinglake was a very firm man, and he was determined that the borough should not be put to the expense of a second trial. He therefore informed the jury that he should use every means in his power to compel them to come to some conclusion, adding :

“It is, at any rate, my present purpose to keep you locked up there for the night. I will return to the Court at one in the morning ; and, in the meantime, I must ask the counsel on both sides to delegate, at any rate, one of their number to be present when I arrive.”

We were all of us very anxious about the result, and so we resolved to go back to the hotel on Castle Green, dine—for we had had nothing to eat since luncheon—and return in a body at one o'clock. We did so, and the jury were again brought into Court, but with the same result as before. Upon this, the Recorder stated that he proposed to go back to his room in Court, and remain there until a verdict was returned. Ballantine repaired to the hotel to get some sleep, while I, and one of the other juniors, remained on guard.

At about four o'clock, when we were all more asleep than awake, the usher was roused from his semi-comatose condition, and sent for to the jury-room. Presently he returned with the news that the jury had agreed upon a verdict. The information was communicated to the Recorder, who hastily robed, and returned to the judgment seat.

When the names of the jury were read over, only eleven answered. The Recorder said: "One juryman has not responded." It was our friend the butcher. His name was called out a second time, whereupon a feeble voice answered: "Here." The Judge, who, I have no doubt, guessed pretty accurately what had occurred, did not look towards the jury-box. It is perhaps as well that he did not. I did, and I never saw such an extraordinary-looking object as the butcher. His coat and waistcoat were torn from his back; his very shirt-sleeves were tattered; and his face was besmeared with blood. The reader can pretty well

guess what had happened. There had all along been a strong majority against the butcher; and the twelve men were now unanimous in returning a verdict of "Not Guilty."

It was during that same year that I obtained a verdict in the country which I have always regretted. It was in a trial for murder which took place on the Midland Circuit, I being specially retained to conduct the defence. The murder has always seemed to me to be the most cruel and heartless one in my experience.

Some five-and-twenty miles from the Assize town, where the trial took place, stood a public-house kept by a widow. She was a great favourite in the neighbourhood, and was frequently engaged in charitable offices. It was well known that she possessed a snug little income, for, besides the public-house, she owned several small cottages in the neighbourhood, having purchased them out of her savings. She was a comely, buxom woman of about forty years of age.

One winter's night, as she was sitting in her bar-parlour, a tramp—a poor, broken-down, wretched-looking man—appeared in the doorway and besought assistance. He said that he was starving, having tasted neither bit nor sup for days; and this tale so worked upon the feelings of the good-natured widow, that she gave him some meat and beer. It was bitterly cold, and the man, when he had finished his meal, implored the additional favour of sleeping accommodation for the night. He should be only too grateful, he said, for permission to lie



in the stable, or one of the outhouses. It was not in the nature of the good woman to refuse a kindness of this description, and she granted the man's request. The next morning, she inquired still further into her visitor's history and condition, and, being moved by the distressing story he told her, she agreed to let him stay on as a handy man about the house.

That there grew to be a more intimate relation between the parties cannot be doubted. In time, he who had been a wayfarer and an outcast, became the manager of the little public-house, in which capacity he was, to all appearances, a most respectable man, his life being apparently a happy and prosperous one. It was part of the manager's duty to go round to the cottages and collect the rents for his mistress, who herself subsequently banked the money. On a certain quarter-day, he took out the horse and cart, and started off to pay his customary visit to the cottages. They were some distance away, and it was not possible for him to return until late at night. All the other inmates of the public-house went to bed; but the landlady herself sat up in order to give her manager some supper when he returned.

Next morning the little bar-parlour presented a horrible spectacle. The corpse of the widow lay on the ground, beside the fireplace, in a pool of blood. The head was literally severed from the body. The drawers, the cash-box, and the till had been rifled, and everything of value that had been in the room

had been stolen. Beneath the woman's body was a frying-pan, in which were some half-cooked sausages. It was apparent that the poor creature had been preparing the man's supper when she had been attacked from behind; and there seemed little doubt that the bill-hook found in the yard was the instrument with which the murder had been committed.

Circumstances pointed to the manager as the author of the outrage, and he was duly arrested and put upon his trial, I being, as already indicated, retained for the defence. A quantity of evidence was taken, and in the end my client was acquitted. That same night, after drinking heavily, he passed down the High Street of the town, and, holding out his right hand, exclaimed :

“My counsel got me off, but this is the hand that did the deed.”

Of course a man cannot be tried twice for the same offence, and, to my perpetual regret, this ruffian remained at large.

## CHAPTER XV.

PRO PATRIÃ NON TIMIDUS MORI.

The Clerkenwell explosion—How it originated, and why it failed—The accused and their counsel—A description of the prisoners—Evidence of the informers—A letter in invisible ink—Incidents subsequent to the explosion—Further evidence—The warders in the witness-box—Acquittal of Ann Justice—A moving scene—Mr. Baker Greene's witnesses—Barrett's demeanour—The crowd in Court—Constant attendance of ladies—Retirement of the jury—Excitement inside and outside the Court.

IN the afternoon of the 13th of December, 1867, the Clerkenwell explosion took place. Two men—Burke and Casey by name—were confined in the House of Detention on a charge of treason-felony, and a plot was formed among the Fenians of London and Manchester to liberate them. A barrel of gunpowder was placed against the prison wall and exploded. The effects were deplorable. Many houses in Corporation Lane were shattered, four persons were killed on the spot, and about forty others were maimed and otherwise wounded, in some cases fatally. A large proportion of the victims were women and children, and all were of the poorer classes. A wide breach was made in the prison wall,

but those whom it was intended to rescue did not have the opportunity of escaping. The truth is, in this, as in so many similar plots, a whisper had gone abroad that mischief was brewing, and on the day of the explosion Burke and Casey had not been permitted to take their exercise in the usual manner.

Five men and a woman were arrested and tried for participation in the outrage. The names of the accused were William Desmond, Timothy Desmond, John O'Keefe, Nicholas English, Michael Barrett, and Ann Justice. They were charged with the wilful murder of Sarah Ann Hodgkinson—one of those killed by the explosion—and the trial took place before Lord Chief Justice Cockburn, sitting with Mr. Baron Bramwell. The counsel for the Crown were the Attorney-General, the Solicitor-General, Mr. Hardinge-Giffard, Q.C., Mr. Poland, and Mr. Archibald (then Attorney-General's "devil," and subsequently a Judge). William Desmond was defended by Mr. Warner Sleight; Timothy Desmond by Mr. Straight; English by Mr. Keogh; O'Keefe and Ann Justice by myself; and Barrett by Mr. Baker Greene. The trial was opened on Monday, April the 20th, 1868, and it occupied the five following days.

To judge by the appearance of the prisoners, the Fenian movement must have been at a somewhat low ebb at that time. With the exception of Barrett, the accused seemed to be in a state of extreme poverty. That there was not much money behind them may be inferred from the list I have given of the counsel

employed on their behalf. Nearly all were very junior members of the bar, and they stood in marked contrast with the brilliant array of talent on the other side.

The two Desmonds and English were, I think, tailors. They were very poorly clad, and miserable creatures to look upon. O'Keefe was of a somewhat better type. The woman, Ann Justice, who appeared to be from forty to forty-five years of age, was poorly dressed and plain-looking.

On looking at the dock, one's attention was principally attracted by the appearance of Barrett, for whom I must confess I subsequently felt great commiseration. He was a square-built fellow, scarcely five feet eight in height, and dressed something like a well-to-do farmer. The resemblance was certainly increased by the frank, open expression of his face. A less murderous countenance than Barrett's, indeed, I do not remember to have seen. Good-humour was latent in every feature. He took the greatest interest in the proceedings.

The principal witnesses against the prisoners were accomplices. After the surveyor had sworn to the correctness of the plans, and the doctor had given evidence as to the injuries sustained by the deceased, the informers were at once put into the box. The first was a man named Patrick Mullany, who described himself as a military tailor. Tailor—yes; but any one less military I never saw. In fact, both he and his fellow—a man named James Vaughan—were half-starved looking creatures, and well qualified, so far

as appearance went, to fill the rôle of the Apothecary in *Romeo and Juliet*. The only time I saw Barrett's face change was during the examination of the informers; and the look of disgust, scorn, and hatred that he turned upon those two miserable creatures was a thing to be remembered.

The substance of the evidence given by Mullany and Vaughan may be briefly stated.

They deposed that, fifteen or sixteen months previous to the explosion, they had been sworn in as members of the Fenian Brotherhood—an organisation having for its object the overthrow of English rule in Ireland, and the establishment there of a Republic. Mullany declared that he had been sworn in as a centre, and that the prisoner, Nicholas English, was present at the time, and introduced him to a man named James Kelly. Each centre, the witness said, had nine "B's" under him, and each "B" commanded nine men. During the ceremony of swearing-in, the conversation principally turned on the way men were to be conveyed to Ireland, and the best method of raising money to purchase arms, and to send men into the volunteers.

The witness went on to say that he knew William Desmond, Timothy Desmond, and O'Keefe, having met them in a public-house at the corner of Seymour Street, Pulteney Street. He had also, he said, known Burke—one of the men whose escape had been planned—since the April of 1867. Soon after the arrest of Burke, who was a Fenian and an American officer, the

witness saw Barrett at his own house, in company with a man named Captain Murphy, who had taken a leading part in the Fenian movement. Barrett, who passed by the name of Jackson, remarked that he had eight revolvers in his bag, and that he had come over "to do something for poor Burke," and, as he spoke, he opened his bag and exposed to view some revolvers and ammunition. A conversation took place—so the witness said—as to where a barrel of gunpowder could be procured, and as to the best way of getting Burke out of the House of Detention. Mullany went on to speak about a letter that had been produced at William Desmond's house, and which, so far as he could remember, ran as follows: "Dear Friend,—You know my position here. You know how I am situated here. There is a house here called the 'Noted Stout House'" (it was explained that this was the name of a public-house), "and at that house there is a sewer and a weak part of the wall. If you get a barrel of gunpowder and place it there, you will be able to blow the wall to hell. Get the men to buy it in small quantities. The job must be done, and done at 3.30 or 4 o'clock. If you do not do this, you ought to be shot."

Touching this letter, the witness said that it had been destroyed, and that it had been written in invisible ink. Some water had been procured in a teacup, and by the aid of this and some copperas, writing of a brown and burnt-like condition had been revealed. There were, Mullany declared, three phrases

in the letter underlined: "the 'Noted Stout House,'"  
"a sewer," and "weak part of the wall." He said  
that when the letter was produced, English, Murphy,  
William Desmond, and twelve or fifteen others were  
present. The letter having been inspected, a question,  
it appears, arose as to how the money should be ob-  
tained for the purchase of the gunpowder, and some  
men offered to contribute £1, some 12s., and some  
10s. for the purpose.

"At this time," said Mullany, "I was out of  
work, owing to the tailors' strike." He went on to  
describe a number of meetings which all the prisoners  
attended, and at which the contemplated explosion  
was discussed. Subsequently he learnt from Murphy  
that the gunpowder had been procured. The question  
of how a truck could be obtained for carrying it was  
next discussed, and the following arrangements were  
ultimately made: A meeting was to be held at twelve  
o'clock, on the 13th of December, at the Desmonds'  
house; the conspirators were to go thence, in two  
companies, to the scene of operations; a man named  
Felix was to supply a tundish, or funnel, for carrying  
the fuse; all were to meet at the House of Detention  
at half-past three o'clock. Mullany added—presumably  
to save his neck—that he himself was not actually  
present when the explosion took place. As he  
said this, a smile, which was not wholly amiable, broke  
out on the face of Barrett, and I think that if the  
prisoner could have got at the witness at that moment



the latter would have fared badly. The explosion was originally intended to take place on the 12th; but it was found advisable to postpone it until the following day.

The concluding portion of Mullany's evidence had reference to events that took place after the outrage. He said that on the evening of the 13th, he saw Barrett at the corner of Glasshouse Street. Up to that time Barrett had worn whiskers and beard joined; but now his whiskers were gone. Mullany continued: "I chaffed him about his whiskers being off, and he said, 'Don't speak so loud; it was I who fired the barrel.' I then asked who was with him at the time, and he said that Murphy was with him, and that he had taken off his whiskers for fear of identification." Mullany added that he did not see Barrett again until he saw him before Sir Thomas Henry at Bow Street Police Court. The witness next said that he himself had been arrested on the Thursday after the explosion, on the charge of treason-felony, and that he had then determined to turn Queen's evidence, and to give his testimony against the accused.

Mullany was subjected to a long cross-examination by the counsel for the Desmonds, Barrett, and English, and, when asked if he expected to get punished himself, answered: "I don't know; I am the property of the English Crown," a remark that seemed to amuse Barrett hugely. He added that he had informed to save himself for the sake of his family.

Vaughan's evidence was to pretty much the same effect as Mullany's. He, however, gave a few additional particulars. He said that after the explosion he had a conversation with English, who said: "For God's sake, James, get as much money as you can, as we want to send them away." He replied: "Send who away?" and English said: "Why, those who have blown up the House of Detention." They were standing outside a news vendor's shop at which a newspaper bill was exposed, with the line "Diabolical Outrage" upon it. English said: "Yes, it *was* diabolical, and we will burn the whole of London yet, and that will be more diabolical." Vaughan also gave some important evidence against O'Keefe.

Cross-examined by me, the witness admitted that he had been in the army, and that, after being tried by court-martial, he had been reduced to the ranks from the position of corporal. He further admitted that, since he had turned Queen's evidence, he had been receiving payment from the police; that he had no other means of subsistence; that he had determined to turn Queen's evidence on seeing a placard offering a reward to any one who would give information; that he put himself in communication with the authorities three hours after reading the placard; and that he expected to get a portion of the reward if the men were convicted.

Several other witnesses were called, who deposed to seeing the various prisoners at different times, prior

to the explosion, in the immediate neighbourhood of the House of Detention, the bulk of the evidence being directed against Barrett.

One of the witnesses positively swore that he saw Timothy Desmond, in company with O'Keefe, wheel the truck carrying the barrel of powder to the prison wall, on the day of the explosion.

The prison-warders were among those who gave evidence. They deposed that upon the day of the outrage, all the prisoners were taken out to exercise at a quarter to three. The prisoners formed themselves into two rings, and Burke occupied a position on the outer ring.

A warder named Maskell said that he saw Burke fall out of the ranks near the wall, take off one of his side-spring boots, wipe his foot with his stocking (looking up as he did so at a house in Corporation Lane), then put on his boot again and rejoin the others. All this, the warder added, was done very slowly, and shortly afterwards the explosion took place. Evidence was also given that at noon on the 13th, Ann Justice came to see Casey at the House of Detention, stating that she was his aunt. She was accompanied by a Mrs. Barry, who represented herself as Casey's sister. They left between one and two o'clock. At ten minutes to three that afternoon, Ann Justice was seen with Timothy Desmond close to the prison wall. Immediately after the explosion she was again seen—in company with Timothy Desmond—running away from the scene of the outrage.

An important piece of evidence was given by another warder. He said that he was in the prison-yard shortly before the explosion, and saw an india-rubber ball come over the wall. It was proved that, shortly before the explosion, the prisoner Burke was searched, with the result that a glass tube and ball were found in his possession. The ball held a liquid which, on being analysed by Dr. William Odling, the celebrated chemist, was found to contain crystals which, when dissolved in water, possessed the quality of making impressions that would remain invisible until copperas, or one of several other chemicals, was applied to it.

A number of witnesses were called to corroborate the evidence of the informer. They deposed to seeing, on various occasions, Mullany and Vaughan in company with the various male prisoners. In order to prove that Burke was a Fenian, a third informer, with the pastoral name of John Joseph Corridon, was put into the box. He described himself as having been an officer in the Federal army of the United States. Burke, he said, had also been in the American army, under the name of Winslow, and they had been well acquainted. Burke had been a Captain in the 15th New York Engineers. The witness swore that Burke was a Fenian.

The visitor's book of the prison was produced, and from this it was seen that, as alleged, Ann Justice had been among those who had visited Casey.

This closed the case for the prosecution. I sub-

mitted to the Court, on behalf of Ann Justice, that there was no case to go to the jury, whatever suspicions might exist as to her knowledge of the Fenian confederacy, and of her having been a member thereof. There was, I pointed out, no actual evidence that she took part in the proceedings which caused the death of Ann Hodgkinson.

After a consultation with Baron Bramwell, lasting some eight or ten minutes, the Chief Justice replied that their lordships could not say that there was no evidence against the woman, but they held that the evidence against her was slight. Upon this the Attorney-General conferred with the counsel associated with him, and then said that, after his lordship's observations, he and his learned friends had determined to withdraw the case as against Ann Justice, and were willing that, so far as she was concerned, a verdict of acquittal should be taken at once. Under the direction of the Court, the jury then returned a verdict of "Not Guilty" as against Ann Justice; and here occurred a very touching incident. The female warder signified to her that she might go. Ann Justice rose to leave the dock; but before she went down the stairs leading to Newgate (for all prisoners, on being acquitted, had to go back to the goal to be formally discharged), she turned round to where Barrett was sitting, seized him by the hand, and, with two large tears rolling down her cheeks, kissed him gently on the forehead. Then she hurried away. This was not a very judicious proceeding, perhaps—but how like a woman!

The counsel for the other prisoners next addressed the Court.

Mr. Baker Greene on behalf of Barrett, intimated that after his opening speech for the prisoner, he intended calling witnesses for the defence. As a matter of fact, it makes little difference what procedure is adopted, for the Attorney-General, or any other officer of the Crown, when conducting a prosecution, has, by virtue of his position, the right to reply. The speeches over, Mr. Greene proceeded to call his witnesses. They were Irishmen, and their evidence, which was of a very weak character, was intended to show that Barrett was not in the neighbourhood of the House of Detention when the explosion took place. On being cross-examined by the Attorney-General, each of these witnesses cut a very sorry figure.

During the whole of the trial, save when the approvers were in the box, the countenance of Barrett never changed. From the time that he entered the dock, to the hour for adjournment—which did not come on until late in the evening—he maintained the same cheery demeanour. Occasionally he handed pieces of paper to his counsel.

On Monday, 27th of April, the Attorney-General rose to reply, and he did not conclude his speech until three o'clock in the afternoon. The Lord Chief Justice, in his usual exhaustive style, then summed up the case to the jury.

I may mention that never, before or since, have

I seen a Court of Justice so crowded as during this trial. The audience consisted for the most part of ladies. They came into Court as early as nine o'clock in the morning, and stayed until late in the evening, occupying their seats every day of the trial. I am bound to say that their interest principally centred upon Barrett.

When the jury retired to consider their verdict, the greatest excitement prevailed. For hours past, the only sound that had been heard was the voice of the Judge; now every tongue seemed to be loosened, and a babel arose. The large Court was crowded to suffocation. Even the passages leading into it were completely blocked with people, and, above the uproar of voices, one could plainly hear the distant hum that arose from the great crowd assembled outside Newgate, eager to learn the verdict.

## CHAPTER XVI.

QUIS TALIA FANDO TEMPERET A LACRIMIS?

Return of the jury—An exciting moment—Barrett found guilty—The Judge's interrogation—Barrett replies, but is interrupted by his lordship—The prisoner receives permission to address the Court—Text of his speech—Some eloquent passages—His analysis of the evidence—Mullany, the "Prince of Perjurers"—Manly references to his impending doom—A moving peroration—The effect produced upon his hearers: not a dry eye in Court—The leading article in *The Daily Telegraph*—The issue pronounced unsatisfactory.

THE jury returned into Court after a long deliberation. The foreman, who led the way, was deadly pale. Having regard to the agitated condition of all the jurymen, it was clear that either one or more of the prisoners had been convicted. The names of the jurors were called over by Mr. Ivory, the Clerk of Arraigns, amid a breathless silence; and upon the foreman being asked whether a verdict had been agreed upon, he answered in a low voice: "Yes." "Do you find William Desmond guilty of the wilful murder of Ann Hodgkinson?" the Clerk asked; and the answer was: "Not Guilty." "Do you find Timothy Desmond



guilty of the same murder ?” “Not Guilty.” “Do you find John O’Keefe guilty of the said murder ?” “Not Guilty.” “Do you find Nicholas English guilty ?” “Not Guilty.” “Do you find Michael Barrett guilty ?” Here all in Court seemed to hold their breath to hear the foreman’s reply. In an almost inaudible voice, he answered : “Guilty.”

The Lord Chief Justice communicated for a moment with the Clerk of Arraigns, who went through the usual formula. Then the other prisoners were removed, and the Clerk, addressing the sole occupant of the dock, said : “Michael Barrett, you have been found guilty of the wilful murder of Ann Hodgkinson. Have you anything to say why sentence of death should not be passed upon you in due form ?”

The prisoner, who was standing with his hands in front of the dock (and most remarkable hands they were, beautifully rounded, and almost like a woman’s), said : “Yes, my lord, I should like to say a few words before your lordship passes sentence upon me, and I hope you will allow me to avail myself of this opportunity to do so.” He then commenced to expatiate upon what he considered his country’s wrongs, when the Lord Chief Justice interrupted him, remarking that that was not the time for any such observations. “Nevertheless,” his lordship added, “I should be sorry to prevent you from saying anything you may desire to. What is it you wish to say ?”

The prisoner then delivered a very masterly speech,

and one that made a profound impression on those present. I cannot refrain from quoting fully its more important passages. He said :

“In answer to the question that was put to me, I have a great deal to say why sentence should not be passed upon me. Nevertheless, I do not intend occupying your lordship’s time with anything I may have to say now, being fully conscious that no words of mine would in any way alter your lordship’s mind on this matter. But I cannot allow this opportunity to pass without making a few remarks, as it is likely to be the only one I shall have on this side of the grave, to endeavour at least to place myself as I should like to stand before my fellow-men. In doing so, however, I shall be compelled to expose the means that have been resorted to in order to secure my conviction. I am not going to whine for mercy ; yet, as a humble individual, will I address your lordship, and as one whose character has been ruthlessly and mercilessly assailed, and whose determination is to defend it against all odds so long as I have sufficient life left to enable me to do so. Conscious I am of never having wilfully, maliciously, and intentionally, as I am charged, injured a human being, that I am aware of—no, not even in character. True, I stand charged with the most repulsive of crimes—that of murder ; yet, when we come to examine the nature of the evidence on which I stand convicted, it will be found that there are no two witnesses who have not more or less—nay,

directly—contradicted each other. If we place any reliance on the statements of those who profess to be eye-witnesses of the deed, they all agree in describing the man who fired the barrel as a tall man, evidently five feet ten inches, or more, in height. Consider the impossibility of mistaking a person of my humble appearance—five feet, six inches, or so, high; and, taking these things into consideration, apart from the testimony—the incontestable testimony—which has been advanced in this Court, that I was not present at that time, I express it as my most firm conviction that there is not an unprejudiced man here—if it is possible that such a man can be found here—who can honestly believe me guilty. It is my conscientious conviction that the jury, who have so far descended to meet the requirements of the prosecution, do not, in their hearts, believe me a murderer. I will now, my lord, with your permission, endeavour, so far as my humble abilities will allow me, to review a little of the evidence that has been brought against me. It would be utterly presumptuous, and most unpardonable in me, to attempt to deal with the whole of the evidence for the prosecution, after the masterly manner in which my very learned counsel analysed that evidence last Friday; but, notwithstanding that, owing to some remarks of the Attorney-General in summing-up, and of your lordship when you charged the jury, I am compelled to revert to that evidence again. I will first speak of my arrest in Scotland,

and of the way in which I was subsequently smuggled to London. When first arrested in Glasgow on the charge of firing a pistol off on the public green of that place, I was taken to the station, searched, and nothing was found upon me which even the police of Glasgow could twist into a charge against me. Having so failed, I was set at liberty; but before that I gave them my name and address, which, I think you will agree with me, it is highly improbable I should have done had I been apprehensive of being arrested on a charge of murder. After that they came to my lodgings, and arrested me, giving as a reason that they had found the pistol of mine, three shots of which I had fired on Glasgow Green. I was brought up on two succeeding days at the Police Court for the purpose of examination, without its being proved—after the police taking nine days to inquire—that a single syllable I had uttered was untrue. Everything I said they found to be correct, and every single reference I had given them to be true. But then they discovered that I was just recovering from a long illness, with means exhausted, and without friends, so that if they got me out of Scotland, I was completely in their power, and utterly incapable of the slightest resistance; and, consequently, I was hurried off to London without the slightest possible pretence for doing so, and without attempting to inquire into my case in a place where I could at once, and without the slightest possibility of doubt, have proved my innocence. I don't now

allude to the high authorities of Glasgow, but mean, little, petty, truckling officials, who are to be found in all police stations, who will have recourse to the most heinous acts of injustice for the purpose of advancing their own individual interests, and even to gain the smile of a superior. I have no doubt they are now congratulating themselves upon the success of their scheme."

Proceeding to refer to the evidence of one of the witnesses, a boy named Wheeler, the accused said :

"He failed to identify me until a wretch, wearing the uniform of an officer, brought the boy back and held him by the shoulder until he was compelled to admit that he knew me."

He then went on to comment on the evidence of another witness, whose name was Bud, and to analyse, not without some skill, the evidence given on behalf of the Crown. Regarding that evidence, he said :

"Here, standing as it were looking into my grave, I most solemnly declare that at the time these people swear I was in London at these different places——"

Here he broke off, and seemed to be engaged in earnest thought.

The Lord Chief Justice remarked :

"Is there anything more you wish to say?"

Barrett pulled himself together at once, and proceeded :

"I now come to the evidence of that Prince of Perjurers, Mullany, and his satellites;" whereupon the

convict analysed Mullany's evidence, contrasting it with that of two other witnesses, named Morris and Keppel. He next dwelt upon what he described as discrepancies between the evidence of the boy Morris and Mrs. Keppel, as to his being at Mullany's house, contending that if the jury were satisfied to accept the statement as corroborative evidence, they would find few persons to take the same view. How was it, he would ask, that Mrs. Mullany had not been called to establish the identity between himself and the man known as Jackson? There was no doubt that the Crown would have brought her forward if her statement could have supported their theory. There was one thing that the Attorney-General, with all his ingenuity, had found it difficult to account for. Mullany had stated that he (the speaker) and Murphy had come from Glasgow with the avowed intention of rescuing Burke from prison, whereas Mrs. Keppel had sworn that he (the speaker) had been in the habit of visiting Mullany's house for six weeks before the explosion. Burke had only been arrested three weeks before, so there was an obvious discrepancy. Indeed that was a sample of what all the evidence was worth, when it came to be sifted, and yet the Attorney-General saw in it corroborative testimony, sufficient to send a human being to the scaffold. With reference to that "fiend of iniquity, Mullany," he would "pass him over with as few words as possible, as though by the very mention of his name," he should "inhale the most deadly poison.

I will," added the speaker, "allow him to remain in his misery and wretchedness without further reference."

The prisoner then went on to say :

"And now, my lord, with reference to the Clerkenwell explosion, I will just say a few words. It is, I know, useless for me, nor do I intend to enter upon any protestations of innocence, being fully conscious that no declarations of mine will have the slightest tendency to prevent your lordship from taking the course that you have already determined to pursue; but this I will, and can most solemnly declare, that there is no one who more deeply commiserates the sufferers from that explosion, and no one who more earnestly deploras the fatal consequences of that occurrence than I do. No, I am not one who can rejoice over the miseries and sufferings of my fellow-creatures, the statements of Mullany to the contrary notwithstanding. Him, even him, I can forgive, and pray that his sufferings may not be so great as he deserves. I also wish to correct a statement which has been made here—an inference, at least, which has been made, and which I think has been more or less believed—that I am the author of the explosion. I can honestly declare that never has a greater mistake been made; indeed, there is no one, unless their reason is completely clouded by their prejudices, who could for one moment entertain such an idea. To give me credit for such an undertaking is utterly absurd; being, as I am, a total stranger to acts of daring, and without

any experience which would in any way fit me for engaging in such an enterprise. Is it not ridiculous to suppose that in the City of London, where, according to Sir Richard Mayne, and *The Pall Mall Gazette*, there are ten thousand armed Fenians, they would have sent to Glasgow for a party to do this work, and then select a person of no higher standing and no greater abilities than the humble individual who now stands convicted before you? To suppose such a thing is a stretch of imagination that the disordered minds of the frightened officials of this country could alone be capable of entertaining. It is asked why I did not bring up the master of the lodging-house, or those with whom I was employed. I, at the time, communicated to the police the information that I was at the time out of employment, but I did give them my address, and I gave them the name of the man with whom I had worked for years; but they carefully avoided publishing the result of their inquiries. It is asked why did I not bring these forward at the Police Court? I instructed my solicitor in all these facts, and therefore the matter does not rest with me."

The prisoner then went on to say that he was far from denying, and force of circumstances would never compel him to deny, his love for his native land. He loved his country, and he would candidly and proudly own it. "If," he continued, "it is murder to love Ireland more dearly than life, then indeed I am a



murderer. If I could in any way remove the miseries or redress the grievances of that land by the sacrifice of my own life I would willingly, nay, gladly, do so. If it should please the God of Justice to turn to some account, for the benefit of my suffering country, the sacrifice of my poor, worthless life, I could, by the grace of God, ascend the scaffold with firmness, strengthened by the consoling reflection that the stain of murder did not rest upon me, and mingling my prayers for the salvation of my immortal soul with those for the regeneration of my native land."

This brought Barrett's speech to a close, and the sentence of death was then passed with the usual formalities.

During the delivery of the speech I think I can safely say that there was not a dry eye in the Court. The sobs of the ladies were distinctly audible. Two or three of them fainted, and had to be carried out of Court. Even the oldest of the barristers and the Chief Justice himself betrayed considerable emotion while Barrett was speaking.

I cannot refrain from making some quotations from a leading article that appeared in *The Daily Telegraph* on the following morning :

"Interesting in one respect, the issue of the trial is strangely unsatisfactory. While the police charged six persons with the crime, they have afforded proof sufficient to convict only one. The case against O'Keefe and Ann Justice utterly broke down, and, when sifted,

that against the Desmonds and English was seen to be far from complete. The police have manifestly failed in some way. Barrett must have had accomplices, either in the persons arraigned along with himself, or in others who are still at liberty. . . . We do not wish to bear hardly on the police, who have had to perform an intensely perplexing task, and, in many respects, have performed it well. But it is difficult to avoid the conclusion that they have fallen into their old blunder of sticking too closely to one line of search ; that they have been content to follow the clue which they at first obtained, and that they have allowed the real culprits to escape. The Cannon Street murderer is still at liberty ; so is the person who shot the bandsman, M'Donnell ; and now we have a nest of murderers defying our search. It is impossible for the public to regard such repeated failures of justice without grave disquiet. Fortunately the prime author of the Clerkenwell explosion—the man who set fire to the barrel—has not escaped. Barrett has been found guilty and sentenced to death ; nor could the jury have returned other than a fatal verdict. The proofs . . . were too many, too strong, and too direct to be set aside.”

The concluding passages of the article were as follows :

“ Barrett is to die ; and he will die justly, since the evidence that he committed an infamous crime is complete ; and his fate is all the more deserved because he

is evidently a man of high intelligence. Before receiving the sentence, he delivered a most remarkable speech, criticising with great acuteness the evidence against him, protesting that he had been condemned on insufficient grounds, and eloquently asserting his innocence. Such an address, of course, cannot shake the conviction that he is guilty, but it excites regret that a man of mental power should have become the instrument of assassins, and should have to expiate on the scaffold the guilt of an infamous crime."

In reference to the opening passages in that article, I cannot help remarking that it is a curious coincidence that the same fault is being found with the police of to-day as was found with the police of 1868. Thus it may be inferred by some that since 1868 the force has not deteriorated; but this opinion I, for one, cannot endorse. In my judgment the force has deteriorated considerably. I am not now speaking about its discipline, and its capacity for keeping the streets, but about its ability to detect crime. At the time of the Clerkenwell explosion we had a regular detective force—that is to say, a separate organisation for unravelling the mysteries and complications of crime—but that force we never hear of now.

## CHAPTER XVII.

### NIL DESPERANDUM.

Another Fenian trial—The indictment—Evidence of informers—Details of a ludicrous plot: Chester Castle to be seized—Result of the trial—A shrewd Jewish solicitor—He sends me a “dead” case—The value of bristles—Conclusive evidence—How the police found the stolen property—Our consultation—Unaccountable merriment of the solicitor—“Not a leg to stand on. Ha! ha! ha!”—The thirteenth juryman—He makes a sad statement, and is allowed to serve—An unexpected occurrence: the jury ask to retire—Hours pass, and no verdict is returned—An extraordinary *dénoûment*—It is explained.

ON Tuesday, April 28th, George Berry (*alias* Richard Burke, *alias* Winslow), Joseph Theobald Casey, and Henry Shaw, were indicted for that they, together with divers other persons unknown, did feloniously compass, devise, and intend to depose our Lady the Queen from the style, honour, and royal name of the Imperial Crown of the United Kingdom; and that they did manifest such intent by certain overt acts, set out in the indictment. In other counts, the overt acts were said to have taken place in Ireland and in the county of Warwick.

The case had been removed from that county, where in due course it would have been tried in the capital town, under the provisions of the 19th and 20th Vic.

The trial took place in the Court where Barrett had been sentenced on the previous day. The same counsel as before represented the Crown, while Mr. Ernest Jones, the celebrated Chartist leader, appeared for Burke, Mr. F. H. Lewis for Casey, and Mr. Pater for Shaw. The Judges were Mr. Baron Bramwell and Mr. Justice Keating.

The reason why the actual venue of the case was Warwick was because it was alleged on the part of the Crown that the prisoners were members of the Fenian Confederation, and that, in pursuance of certain plots and plans, they had proceeded to Birmingham to purchase arms and ammunition to distribute among the Fenian brotherhood in England and Ireland, and to procure gunpowder and other destructive materials for the purpose of destroying public buildings, and, by other means and devices, to overthrow the Government of Her Majesty the Queen.

I was not engaged in this case; but I must briefly refer to it, as it was for attempting to secure the release of Casey and Burke, that Barrett was condemned to death.

The principal witnesses who testified to the accused being Fenians were two informers—Corridon, and a man named Godfrey Massey. Corridon stated that he

himself became a Fenian in 1862, when he took an oath to overthrow the British Government, and to establish a Republic in its stead. He remained a member of the Federation until 1866, and, in the interval, attended several Fenian meetings. At one of them, held in Douane Street, he saw Burke. A man named O'Mahony, who was at the head of the Fenian organisation in America, attended the meeting, and none but leading members were present. The witness went on to say that, in 1865, after that meeting, it was resolved, in Burke's presence, that certain military men should be sent over to Ireland to command the people of that country in the event of a rising. The witness subsequently went himself over to Ireland, where he met Colonel Thomas Kelly and Stevens, the heads of the movement in Dublin, and was afterwards sent to Liverpool in the capacity of paymaster of the organisation. At certain Fenian meetings, held at Liverpool in 1866, and at which Burke was present, a plot was formed for an attack on Chester Castle. It was arranged that Burke and Shaw should buy the firearms, and that men should go to Chester from Liverpool, Manchester, Leeds, and other large towns, acting under the orders of their various centres. In all, some 2,500 men were, it was decided, to take part in the work. Chester Castle was a great depôt for the storage of arms; and it was arranged that, after the building had been captured, these arms were to be taken out and conveyed to the mail-train, which was to be seized for

the purpose. The telegraph-wires were to be destroyed, the mail-train was to proceed to Holyhead, and the railway lines were afterwards to be torn up. On the arrival of the train at Holyhead, the mail-boat was to be seized and the arms taken on board, the captain being retained to take the vessel to the Irish coast. The night of the 11th of February was fixed for the attack on the Castle. The witness explained that he informed the Government of these plans in the September of the preceding year.

Massey corroborated the statements of the previous witness ; and several persons from Birmingham testified to the purchase of arms, ammunition, etc., by the prisoners. It appeared that these arms and ammunition were bought in small quantities, but to a large extent.

After a somewhat protracted trial, Casey was acquitted, but Burke and Shaw were found guilty, the former being sentenced to fifteen, and the latter to seven years' penal servitude.

At somewhere about this period, I numbered among my clients one of the shrewdest men I ever met in my life. He was a solicitor in large criminal practice, who was known, feared, and trusted by all the thieves, burglars, and receivers—especially by the last-named—in this great metropolis. A member of the Jewish community, he was an old man of remarkably sharp appearance, and of diminutive stature. One Saturday preceding the opening of the Sessions of the Central Criminal Court, I was sitting in my chambers, when a brief was

handed to me from the office of the gentleman alluded to, a message accompanying it to the effect that he would meet me for consultation, at five o'clock, at the chambers of Mr. Montagu Chambers, in Child's Place. I read my instructions, and found that the case was as dead a one as could well be imagined. One Solomon Isaacs was charged with receiving a quantity of stolen property, including several cartloads of bristles. Until that moment I did not know how high is the commercial value of bristles. They command a very considerable price.

The man had been suspected by the police for some time. Vans of stolen goods had been on several occasions traced to the immediate neighbourhood of his house, and then, somehow or another, mysteriously lost sight of.

It was the old story over again. One of the thieves gave information against the receiver. A cordon of police was drawn round Solomon Isaacs' house, and Sergeant Ham and another officer entered it. On searching the building itself, the police found nothing. However, at the other end of the garden, across a lane, and apparently in no way connected with the house itself, were some out-houses. As a result of certain information received, the police made it their business to search these out-houses. They proved to be crammed with a marvellous assortment of articles, including pier-glasses and carpet-brooms. No bristles, however, were found in the heterogeneous collection. The police knew



very well that they could rely upon the truthfulness, or rather upon the treachery, of their informant; and a further search was made about the premises. Presently the sharp eye of Ham noticed that some of the earth in the garden had been recently turned. Spades and shovels were procured, and the officer commenced to dig, with the result that, five or six inches from the surface of the ground, he discovered the stolen bristles. When taken into custody, Solomon Isaacs endeavoured to escape. He also made a variety of conflicting statements. Thus it was apparent that the case against him was a dead one.

The meeting took place at the appointed hour at my leader's chambers, and on this occasion my little Jewish client was in more excellent spirits than I had ever seen him before. The more my leader and I expressed an opinion adverse to his case, the more delighted he seemed to be. Upon my leader declaring that we had not a leg to stand on, the little fellow was seized with an uncontrollable fit of merriment.

The meeting over, my client accompanied me back to my chambers in King's Bench Walk. As we shook hands on parting, he exclaimed :

“Not a leg to stand on, eh? Ha! ha! ha! We shall see about that! Be early in Court, my boy; the early bird, you know. *Nil desperandum* is my motto. Not a leg to stand on! Ha! ha!” and, leaving me speechless with astonishment, he vanished in the darkness with an unearthly kind of chuckle.

On the morning of the trial, acting on my instructions, I made my appearance in Court five or ten minutes before the business of the day commenced, and there, seated at the solicitors' table, I found my little friend attentively reading the columns of *The Daily News*. I observed, though the circumstance did not particularly engage my attention at the moment, that there was a solitary juryman in the box, who was also occupied with one of the morning papers.

In due time the Recorder, Mr. Russell Gurney, came into Court, whereupon the Clerk of Arraigns, as is customary, read over the names of the jurymen. To the astonishment of everybody there were thirteen in the box !

Upon the matter being investigated, the man whom I had noticed on entering the Court, rose and addressed the Bench.

I should explain that this individual was the most melancholy-looking man I have ever seen. He was dressed entirely in black, and looked the very picture of misery.

"My lord," he said, "I am afraid that I am the cause of this confusion. I am in the list of jurymen for to-morrow; but I have had a great misfortune happen to me. I have lost my wife."

The Recorder, who was one of the kindest-hearted men in the world, said he was sorry that the juryman should, under the circumstances, have thought it necessary to be present, and offered at once to release him from any further attendance during the session.

"Thank you, my lord," said the melancholy-looking

individual, "but I would rather serve to-day, if you will allow me. I think the business of the Court will distract my attention, and help me for the time being to forget my loss. Perhaps one of the other gentlemen will leave the box now, and will serve for me to-morrow, when I have to attend the funeral."

The request was granted, and a gentleman stepped from the box. The jury was then sworn. I noticed that when it came to the turn of the melancholy-looking man to take the oath, he did so with his hat on, being sworn on the Old Testament. The prisoner pleaded "Not Guilty," and the trial commenced.

The evidence that was brought forward bore even more heavily upon the accused than I had anticipated. My leader, in addressing the jury, did the best he could under the circumstances, but entirely failed to produce any effect. The Judge, having summed-up, asked the jury if they desired him to read over the evidence. Upon the foreman replying in the negative, his lordship directed them to consider their verdict. They turned round, and, after an interval of five or ten minutes, to the surprise of everybody, there were symptoms of disagreement in the box. The Judge again asked if he should read over the evidence, adding: "Is there any question you wish to ask, or can I assist you in any other way?"

The foreman, whose temper was apparently ruffled, replied, before any one could stop him, that all except one were agreed. The usher was then sworn and the jury retired; the last to leave the box being the

melancholy-looking man, who carried a portly-looking great-coat on his arm.

Hours passed, and yet no verdict was returned. At five o'clock, the usual hour for the rising of the Court, the jury were sent for, and, in answer to the usual question, the foreman said there was not the slightest prospect of their agreeing. The Recorder, who was then the Member for Southampton, expressed his intention of going down to the House, and of returning at ten o'clock, observing that, even if he had to keep the jury there all night, he would never discharge them until they returned a verdict.

At ten o'clock the Recorder returned. Still no verdict was forthcoming. The jury were again sent back to their room. Five hours elapsed, and then—namely, at three o'clock in the morning—the usher came into Court with the intimation that the jury had agreed. The twelve men dragged their weary steps into the box, their names were called over, and the foreman returned a verdict of “Not Guilty.”

I shall never forget the excitement of my little friend the solicitor. He was wide awake sitting in the well, where he had remained all the time, going out neither for bit nor sup. He absolutely danced with delight. “Not a leg to stand on! Not a leg to stand on!” he exclaimed in my ear, and then hurried the prisoner from the dock.

I was, I must confess, staggered at the result of the trial. Having unrobed, I was leaving the Court-house,

when, in the lobby, I chanced upon one of the jury. I could not resist the temptation of asking the meaning of so extraordinary a *dénoûment*. "Lor' bless you, sir," said he, "it was that miserable-looking chap as lost his wife. There never was such an obstinate, disagreeable fellow born. From the first he said he had made up his mind that the prisoner was not guilty, and he said he would never consent to a verdict the other way. When we went to the room, he put his great-coat down in a corner, curled himself up on it, and commenced reading the newspaper. When any one spoke to him he said he wouldn't answer unless they'd come over to his way of thinking. The worst of it was, sir, that we had nothing to eat or drink; but this obstinate chap kept eating sandwiches and drinking brandy and water from a great flask he had brought in his pocket; and when we asked him for some he burst out laughing, and said he wouldn't give us a mouthful between us. Well, sir, what was the good of our sticking out? There we was, and the Recorder had said he wouldn't discharge us; so we should have stopped there and starved. One by one gave in, until we all agreed to 'Not Guilty.'"

The next morning I had occasion to pass the little solicitor's office, and whom should I see coming out of it but the obstinate juryman. Strange to say, he no longer wore a melancholy expression, and, in place of the black clothes of the previous day, he was attired in a light tweed suit, such as a tourist affects, and had a merry, self-satisfied twinkle in the eye.

## CHAPTER XVIII.

AURUM PER MEDIOS IRE SATELLITES  
ET PERRUMPERE AMAT SAXA.

An attempt to corrupt the police—Trial of Critchley and Richards—Ham's evidence—Fatal termination of a fight—Trial of those who took part in it—A nice point: boxing or prize-fighting?—Mr. Baron Bramwell hesitates—He consults Mr. Justice Byles—The final decision, which settles the law on the subject.

TOWARDS the end of 1868, a rather remarkable trial took place at the Old Bailey. I refer to it, not so much on account of its general interest, as on account of the illustration it affords of how an attempt may be made to corrupt the police by the higher class of criminals; by which I mean professional thieves who, by their malpractices, have amassed a considerable amount of money. Two men, William Critchley and Thomas Richards, were charged with offering and giving to James Ham and George Ranger, detectives of the Metropolitan Police force, the sum of £20 to induce them to give false evidence at the hearing of a charge against William Green and William Simpson. Ham himself, in the witness-box, told the story of the attempted corruption.

On the 17<sup>th</sup> of May, he apprehended Green and Simpson for having in their possession a gold watch

and chain supposed to have been stolen. He searched Simpson's house, and found there, under somewhat suspicious circumstances, a quantity of property. The case came before the Magistrate at the Lambeth Police Court on the 8th of May, and it was adjourned until the following Wednesday fortnight. On Saturday night, the 22nd of May, Ham received a letter, in consequence of which he went to the Elephant and Castle. He there saw Richards, who said: "Well, Jimmy, how are you? Come over the way and have a glass." They then adjourned to the "Rockingham Arms" public-house, and after they had had some refreshment they left. They then walked down the road together, Richards taking Ham by the arm, and saying: "Jimmy, I'll tell you what I want to speak to you about. You and Ranger have got old Black Myles and Jimmy Green, haven't you?" Ham replied in the affirmative. "I suppose," said Richards, "you don't want to get them convicted, do you?" The answer was: "No; not particularly." "Well," continued the tempter, "old Billy Critchley has been down to me, and he wanted me to see Potter" (the Inspector of Police); "but I said 'no, that won't do.' Now look here, Jimmy, old Billy says you can have twenty quid, and no one shall know anything about it except you, me, and Ranger. You can let the poor devils get turned up. You are sure to have them later on for something better. The stuff you found hasn't got an owner yet. We can send some party down to buff

for it" (a thieves' expression for "identify"); "and you can easily say before the Magistrate that you've made inquiry about the property, and you believe it belongs to the prisoner in Court."

Ham now put himself in communication with his superior officers in reference to the affair, and from that moment he acted under their direction. An appointment was made for the purpose of the £20 being handed over, and a meeting accordingly took place between Ham, Ranger, and Richards. The last-named was asked if he had brought the money, and he replied: "No; you must get the men turned up first. We'll leave the money with the landlord of the ——" (mentioning the name of a public-house well known as a resort of thieves). "When the men are turned up, you can go there and collar the quids." Upon Ham and Ranger demurring to this proposition, Richards said: "Well, old Billy Critchley won't part with it. I'll go down and fetch him, and you shall settle it with him your own way."

This was precisely what the officers desired; for they had made arrangements for arresting both men. After being searched at the station—so that, if necessary, it might be subsequently proved that neither had any money in his possession when he entered the public-house—they had been followed by several other police officers, who were instructed to keep them well in sight, and to be in readiness to afford assistance at a moment's notice.



Presently they were joined by Critchley and a well-known thief, nick-named "the Barrister." The former said: "Tom tells me, Mr. Ranger, you is a perfect gentleman; but I don't know you as well as I do Jimmy" (meaning Ham). The speaker then put his hand in his trouser pocket, and passed something to Richards, who thereupon handed ten sovereigns to Ham, and a similar sum to Ranger. Critchley, turning to Ranger, then said: "Well, my time is precious, governor; I must be off." As he emerged from the door of the public-house, he was seized by two constables, and simultaneously Ham and Ranger arrested Richards.

This was the story as told by Ham, and it was fully corroborated by Ranger. The prisoners were both found guilty, and both sentenced to two years' imprisonment with hard labour.

That the case was considered of some importance was shown by the fact that Mr. Hardinge-Giffard, Q.C., and Mr. Cooper appeared for the Commissioners of Police, who prosecuted. Critchley was defended by Serjeant Ballantine and myself; while the case of Richards was entrusted to Mr. Metcalfe and Mr. Douglas Straight.

I was always a favourite with professors of the noble art of self-defence; and I do not think that, at any rate during the last fifteen or sixteen years of my professional career, there was a case in London associated with the ring in which I did not appear as defending counsel.

One of these cases was tried before Baron Bramwell, at the Central Criminal Court, and as it, to a certain extent, decided the law upon the subject—the decision coming as it did from our highest authority—I may be allowed to refer to it.

John Young, William Shaw, Daniel Morris, Edward Donnelly, George Flynn, and others, were charged with the manslaughter of Edward Wilmot. Shaw was the son of the celebrated Jimmy Shaw, of Windmill Street, Haymarket, well known to all the *jeunesse dorée* of that period who were of a sporting or “doggy” tendency. Donnelly was the champion of the light-weights.

Messrs. Poland and Beasley conducted the case for the prosecution; Messrs. Ribton and Gough appeared for Young; and I was counsel for Shaw, Flynn, and the other defendants. A witness deposed that on the 9th of October, he went to the “Wrekin,” in Broad Court, a house kept by George Shaw. Thence he went to the house of the prisoner, William Shaw, in Windmill Street, Haymarket. He had often been there before. A ring was always to be found in a room upstairs. The wall formed one of its sides, and the remaining sides were formed by stakes and a rope. He and Donnelly acted as seconds for a man named Wilmot, and two men—Morris and Daw—acted as seconds for Young. The principals wore gloves. They were, as is usual, naked to the waist, their shirts being off. About a hundred persons were present, and occupied seats at either end of the ring. The men fought a succession of rounds,

the contest lasting for about an hour. At the last round, Wilmot fell, in consequence "either of a shove or a blow" received from Young. On this point the witness was pressed, and he ultimately said that it was a blow, dealt somewhere in the face. Proceeding, he deposed that when Wilmot fell, he struck his head against a post running up in the centre of the ring. The witness picked him up, gave him a drop of brandy, and, after dressing him, took him in a cab to the hospital. All the prisoners were present, taking an active part in the fight, as seconds, time-keepers, or referees. In cross-examination, the witness admitted that it was "only sparring, fairly conducted"; and that "time" was called. He also said that, with the exception of gloves being used, the ordinary rules of a prize-fight were observed.

Evidence was then given by the house-surgeon of Charing Cross Hospital. Wilmot, he said, was brought in insensible at twelve o'clock at night. He never regained his senses, and died at half-past six next morning. The post-mortem had shown that death was the result of a very severe blow or fall. The body was covered with bruises.

Inspector Silverton, who had charge of the West End district at that time, produced the gloves.

Upon the conclusion of the evidence for the prosecution, I submitted that there was no case against Shaw; and that the witnesses, having been spectators at an unlawful contest, must be regarded as accomplices,

and, as such, would require to be corroborated. Mr. Poland replied, quoting a case that had been decided the other way. Mr. Baron Bramwell said it had occurred to him that the witnesses might have refused to give evidence on the ground that, by so doing, they might incriminate themselves. I further submitted that there was no evidence on a charge of manslaughter against any of the prisoners, death having happened in the exercise of a mere lawful sport. The Judge admitted that the difficulty was in deciding what there was that was unlawful in the contest. It took place in a private room; and was there any breach of the peace? No doubt if death ensued from a fight, independently of the fact that it took place for money, the case would be one of manslaughter. A fight was a dangerous thing, and likely to cause death; but the medical witness had stated that sparring with the gloves was not dangerous, and was not a practice likely to cause death.

Mr. Baron Bramwell then proceeded to the new Court, for the purpose of consulting Mr. Justice Byles. On returning, he stated that he retained the opinion he had already expressed. It had occurred to him, however, that even supposing there was no danger in the original encounter, if the men fought on until they were in such a state of exhaustion, that there was a danger of their falling and sustaining fatal injuries, then the case might amount to one of manslaughter; and he proposed therefore so to leave the issue to the

jury, holding over the point for the consideration of the Court for Crown Cases Reserved, should it become necessary.

The jury ultimately returned a verdict of "Not Guilty" against all the prisoners, and they were discharged.

## CHAPTER XIX.

QUO FUGIT VENUS! EHEU QUOVE COLOR.

Trial of Madame Rachel—Police Court proceedings—Mr. Knox—Ballantine, Straight, and I appear against Madame Rachel—Mrs. Borradaile's evidence—A description of that lady—Her introduction to Lord Ranelagh—What Mrs. Borradaile paid to be made "beautiful for ever"—How she raised the necessary cash—Gushing love-letters from "William"—Ordering jewels, lace, trousseau, etc.—Faulty orthography attributed to the servant—His love was as warm as a lighted cigar—Lord Ranelagh's denial and explanations—The jury disagree and are discharged—The fresh trial—A verdict of "Guilty."

In the month of August, 1868, a very remarkable case was tried before the Recorder of London—that of Sarah Rachel Levenson, known to the world as Madame Rachel, a purveyor of all sorts of cosmetics, enamels, paint-powders, and rouges, who proclaimed, as one of the lures of her calling, that she had the power of making women "beautiful for ever." The case afforded a striking illustration of the vanity of some women, and of what tricks can be played upon them by the artful.

The matter had been originally inquired into at

Marlborough Street Police Court, where I appeared as counsel for the prosecution. The magistrate before whom the case came was the celebrated Mr. Knox, who was, in my opinion, after Sir Thomas Henry, the best metropolitan magistrate on the Bench during the quarter of a century that I practised at the Bar. He was a little sensational, it is true, and at times, with the heavy strain of a very busy Court upon him, he was inclined to be irritable; but he was, nevertheless, a very able and painstaking magistrate. In the days of Delane—that prince of editors, for whom no worthy successor has yet been found—he was a leader writer on *The Times*. He was a most accomplished man, speaking several modern languages, and certainly the best story-teller I have ever come in contact with. The Court at Marlborough Street was, and is, a most important one; and at last, from sheer hard work and over-pressure of the brain, my poor friend broke down. On returning home from the Court, he was seized one day in the streets with a very severe illness; and, as he had completed his service as a civil servant, he retired at once upon his full pension.

But I am forgetting Madame Rachel. Remand after remand took place; but eventually she was committed for trial. Serjeant Ballantine, myself, and Mr. Straight, were retained for the prosecution, while the interests of Madame Rachel were entrusted to Mr. Digby Seymour, Q.C., Serjeant Parry, Serjeant Sleight, and Mr. Rigby—an array of counsel which clearly shows

that making people "beautiful for ever" was not an unlucrative profession.

The charge against the accused was that of obtaining the sum of £600 from Mary Tucker Borradaile, by false and fraudulent pretences, and of conspiring to defraud her of various other sums amounting in the total to £3,000. The case was so extraordinary a one that I propose to give the evidence of the prosecutrix almost *in extenso*. Examined by me in chief, she said :

"I am the widow of Colonel Borradaile, to whom I was married twenty-two years ago. I first became acquainted with the prisoner in 1864. I saw in the newspaper an advertisement stating that Madame Rachel was 'purveyor to the Queen.' I went to her shop and had some conversation with her. She asked me how much money I had to spend. On my first visit I spent £10, and in the course of two or three days I had invested £170 with her. I paid her various sums of money for cosmetics, etc., during the latter part of 1864 and the commencement of 1865. Before purchasing these articles I asked her to do something for my skin, and she promised that, if I would follow out her course of treatment in every particular, she would ultimately succeed in making me beautiful for ever."

I do not wish to be at all unkind or ungallant; but how the witness could have been brought to believe such a consummation possible—if she had



consulted a looking-glass and seen what Nature had done for her—I was, and always have been, utterly unable to comprehend. She was a spare, thin, scraggy-looking woman, wholly devoid of figure; her hair was dyed a bright yellow; her face was ruddled with paint; and the darkness of her eyebrows was strongly suggestive of meretricious art. She had a silly, giggling, half-hysterical way of talking, and altogether gave one the idea of anything but the heroine of such a romance as we are about to follow.

The witness, continuing, said: “On one occasion I called upon Madame Rachel, who told me that she had had an interview with the gentleman who had fallen in love with me. On asking his name I was informed that it was Lord Ranelagh. I asked when he had met me, and the reply was—both before and after my marriage. Madame Rachel said that he had lost sight of me for some time, but that he had recently seen me. She said that she would introduce me to him the next day. She also said that he was a very good man, and very rich. Next day I called at Maddox Street, where the prisoner lived. The house is the corner one, being partly in Maddox Street and partly in New Bond Street. Madame Rachel opened the door and said; ‘I will now introduce you to the man who loves you.’ She then introduced me to a man whom I believed, and still believe, to be Lord Ranelagh. I said to him, ‘Are you Lord Ranelagh?’ and he answered, ‘Yes; here is my card.’

He then handed me a card, which I returned to him. The gentleman who gave me the card is the gentleman I now see in Court (Lord Ranelagh). Some conversation took place between us, and then Lord Ranelagh retired. I afterwards went with Madame Rachel to her room, and she told me that Lord Ranelagh would make me a good husband. This was the first mention there had been of marriage. I saw Lord Ranelagh there on several subsequent occasions. On one occasion Madame Rachel told me to go and take a bath. The baths were at a Mrs. Hick's, in Davis Street, Berkeley Square, close by. I took the bath, and on my return to the shop I found Lord Ranelagh there. Madame Rachel again introduced me to him. He made a bow to me, but I forget the conversation. Lord Ranelagh then again retired, and I had a further conversation with Madame Rachel. She again told me he would make me a good husband.

“At the end of May, or the beginning of June, Madame Rachel told me it was necessary that, before I married Lord Ranelagh, I should go through an extra process of being made beautiful for ever. I think Madame Rachel also said that the process was to be gone through at Lord Ranelagh's express desire. The sum I was to pay for this was to be £1,000. I went to the City with Madame Rachel, in a carriage, to sell out money in the Funds amounting in cash to £963. I then went back to Rachel's, where I saw a solicitor named H——. The £963 was never

handed over to me, but I gave this order to the solicitor, not in my handwriting, but signed by me :

“‘Mr. H——, I request you to pay Madame Rachel £800 on account of £963 2s. 11*d.*, received this day.

“‘(Signed) M. T. BORRADAILE.’

“Madame Rachel told me how to word it, and I wrote this receipt :

“‘A receipt for £800, being balance of £1,000 received from me for bath preparations, spices, powders, sponges, perfumes, and attendance, to be continued till I (Mrs. B.) am finished by the process.’

“Madame Rachel said we were to be married by proxy, and that it was to be done by letter writings. She said she had married two parties before by proxy, and that I should be the third. About a month after the receipt was signed I began to receive letters. I received some of them before the jewellery was ordered. Madame Rachel told me that jewellery was necessary for the marriage, and that it would cost £1,400. She told me that the letters would be signed ‘William’ in case they should be left about. I knew at that time that Lord Ranelagh’s Christian name was Thomas. At the time Madame Rachel gave me one of the letters, she also handed me a vinaigrette and a pencil-case, which she stated had belonged to his lordship’s mother. The letter ran as follows :

“‘MOUNT STREET.

“‘MY ONLY DEARLY BELOVED MARY,

“‘The little perfume-box and pencil-case belonged to my sainted mother. She died with them in her hand. When she was a schoolgirl, it was my father’s first gift to her. Granny has given the watch and locket to me again. Your coronet is finished, my love. Granny said you had answered my last letter, but you have forgotten to send it. I forgot yesterday was Ash Wednesday. Let old Granny arrange the time, as we have little to spare. My dearest one, what is the matter with the old woman? She seems out of sorts. We must manage to keep her in good temper for our own sakes, because she has to manage all for us, and I should not have had the joy of your love had it not been for her. Darling love; Mary, my sweet one, all will be well in a few hours. The dispatches have arrived. I will let you know all when I hear from you, my heart’s love. Bear up, my fond one. I shall be at your feet—those pretty feet that I love—and you may kick your ugly old donkey. Two letters, naughty little pet, and you have not answered one. You are in sorrow about your brother.

“‘With fond and devoted love,

“‘Yours, till death,

“‘WILLIAM.’

“‘Madame Rachel was ‘Granny.’ I also received this

letter from Madame Rachel's grand-daughter in her presence :

“ ‘MY OWN DEAR MARY,

“ ‘Granny tells me that you were to be with me at the Scotch Stores this afternoon. I waited outside 7, George Street, for two hours. I give you one warning; if you listen to your family I will leave England for ever. Mary, my own, I have to play a double game to save your honour and my own. It is now six o'clock, and I am wet, through walking up and down George Street. I have been asked all manner of questions. You must write and tell Lewis & Lewis you do not want them to interfere further in your affairs, or we are betrayed. And think of your position and name, and think of your daughter. Cope is at the bottom of all this. Mary, for the last time, choose between your family and me. If you value your own life or mine, do not admit Smith; he is the paramour of your greatest enemy. My heart's life, I will be at All Souls' to-morrow. I was at Randall's on Saturday last, a dirty corncutter's. If ever you go there again I shall cease to love you, if I can. If I call on you with a gentleman be sure to deny all knowledge of me, as otherwise we are lost. It is your name I study.

“ ‘With fond and undying love,

“ ‘Your devoted

“ ‘WILLIAM.’

“ ‘Before I received that letter my family had been

communicated with, and I had consulted Messrs. Lewis & Lewis. That letter was received after I had parted with all my money and securities. Almost all the letters were in different handwritings, but all the letters I received I believed came from Lord Ranelagh. Madame Rachel told me that his lordship had hurt his arm and could not write very well, and that his servant wrote some of the letters. I also received this letter from Madame Rachel :

"MY DEAR MARY,

"I will be with you to-morrow as soon as possible.

"Yours, until death,

"EDWARD.

"My dearest beloved, write me a line—kisses.'

"Mrs. Borradaile, care of Madame Rachel.'

"I pointed out to Madame Rachel that one of the letters was signed, 'Edward,' and she said it was necessary in case I left them about. Before the month of August I had parted with £1,400, and before parting with it I received this letter :

"MOUNT STREET.

"MY DARLING MARY,

"My own pet, do what I ask. I wish you to burn the letters, and all you do I dare say is for the best. My darling pet and love, many thanks. I know you will keep your promise. My sweet love, I will devote

my life, and all my love to you. I cannot find words to do so. My devotion in years shall tell my heart's fond love for you, darling sweet one. I will tell you all at your feet.

“My own loved Mary, with fond devotion, ever yours, with lots of kisses,

“‘WILLIAM.’

“On the envelope of that letter was written ‘With love and kisses.’ I wrote answers to those letters which Madame Rachel always dictated in her sitting-room. She always kept the letters I wrote, saying that she would give them to Lord Ranelagh. This is another letter that I received :

“MY DEAR BELOVED MARY,

“I was in hopes I should have the pleasure of seeing you this day, but I am doomed to a disappointment. I hear you are grieving, my own darling pet. Am I the cause? I would rather be shot than cause you one minute's pain. Do you regret the confidence you have placed in me? You say you have no desire to reside at Cheltenham again, my love. You make what arrangements you think proper, and I am satisfied. I thank you, my love, for going to Covent Garden. Let me know by return, my pet, when you have finished with Mr. Haynes, as I find it impossible to wait any longer. Hope deferred makes the heart grow sick. I hear all is arranged for the country, my own darling

love. Do not let me have to chide you ; only say what you require, and your slightest wish shall be obeyed.

“ With fond, devoted love,

“ ‘ Your affectionate and loving

“ ‘ WILLIAM.’

“ I remarked to Madame Rachel that the spelling of this letter was bad, and she said that his servant must have written it. I also received another letter from Madame Rachel.

“ I should say that, before receiving this letter, I had been told by Madame Rachel that Lord Ranelagh was going to Belgium with the volunteers.

“ ‘ MOUNT STREET.

“ ‘ MY DARLING MARY,

“ ‘ What made you suppose I would go to Belgium without you ? It is cruel of you to think so. But after our disappointment of yesterday, I was in hopes that you would have complied with my wishes. I have left the message with Rachel. She told me last night that she expected you there, for sure, to-day. I had called there twice, and found you had not been. You said you would come after church. My own darling, I did not go to church this morning, and you know what prevented me from doing so. You must see Rachel to-night, as I may be ordered off by five in the morning. Pray, sweet love, call on her at once. I would rather be shot like a dog than leave England without you. I am



half distracted at not finding you. There is no time to lose.

“ ‘Your devoted, but loving friend for ever,

“ ‘WILLIAM.’

“ I also received this from the same source :

“ ‘MY OWN BELOVED MARY,

“ ‘Do not upbraid me. Any sacrifice you have made on my account I will not give you cause to regret. I am dunned to death at the thought of “the bills,” and it all lies under a nutshell. I will show my love for you in such a way that you shall not regret all you have done for me, and I will repay it with love and devotion. See that fellow in Oxford Street, and tell him you will pay him in a day or two, and so you will. I am not angry with you, my own dear love. I will be with you sooner than you think. Your slightest wish shall be obeyed ; but I cannot understand why you prefer Mr. H. But I leave all to you, my love. Do not get into any mob. I heard you were insulted by a cabman in Oxford Street, yesterday. I wish I had been there.

“ ‘With my fondest love,

“ ‘Your devoted and loving,

“ ‘WILLIAM.’

“ I also received this letter :

“ ‘MY OWN DEAR LOVE,

“ ‘My sweet, darling Mary, I called at Rachel’s to-day, and she looks as black as thunder. What is it, my sweet love, my own dear one? What you said last night I thought was in joke. Is it the bill that has annoyed you? What am I to do? I tell you again and again that you are the only woman I love. You have never been the same to me since you listened to all the slander. What is it you want? Write at once, and freely. There should be no disguise, my sweet pet, I love you madly, fondly. Why do you trifle with my feelings, cruel one?

“ ‘Your ever loving, and most truly devoted, and ever affectionate,

“ ‘WILLIAM.’

“ ‘What have you done to offend Rachel?’

“I had seen a man named Bower at the shop. Rachel bought £380, or £400, worth of lace of him. I should, she said, require lace, as all ladies had lace when they were married. I have since paid Bower’s bill, but I have never seen the lace. I have never had a yard of it. I received this letter with reference to the lace :

“ ‘MARY, MY HEART’S LOVE,

“ ‘Is it your wish to drive me mad? Granny has my instructions. Do as she tells you. Four letters, and not one reply. What is the meaning

of the delay, at the eleventh hour? Granny lent me the money. You shall pay her, my own sweet one. Get the lace to-day and fear nothing. It will be £35. I will explain all to your satisfaction, my own sweet one. I have the acknowledgment for every farthing. Granny is our best friend, so you will find; we cannot do without her until we go away. I have some pretty little things for Florence, light of my heart. Your sister and her husband have behaved very badly towards you, if you knew all. I tell you, love, if you are not careful they will divide us for ever. To the Strand to-day. Leave all to me, my own love, and fear nothing. If you have lost all love and confidence in your ugly old donkey, tell me; but this suspense is terrible. I receive letters every day, telling me that you only laugh at, and show, my letters. Mary, beloved one of my heart, do not trifle with me. I love once, I love for ever. Leave all to me. I guard your honour with my life.

“With fond and devoted love,

“I am yours devoted,

“WILLIAM.”

“This letter had Lord Ranelagh’s coronet and cypher upon it. It was either his coronet or his coat-of-arms. Madame Rachel took the letter from me and would not return it. This is another of the letters:

“MY OWN DARLING MARY,

“Why don’t you do as Granny tells you? Why

do you put obstacles in the way of your own happiness? Sign the paper; I will pay everything. My own darling love, if you marry, your pension will be stopped; therefore, it will not matter if you sign the paper. My own heart's life, I will pay everything. Not the value of a coin shall be touched belonging to you and yours. You, that have ever been loving and confiding, why do you doubt my honour and sincerity? What motive can you have, my love, for retaining those miserable scrawls of mine? I requested you to return them, and for the first time you refused to do so. Mary, my love, if you have sent them to your family, say so. If you wanted my life, I would lay it down at your beautiful little feet. Mary, you are my joy. I place your letters with your likeness in my bosom every night. Granny told me she would arrange everything to our satisfaction. Why need you fear, my own sweet love? I will not believe that you expose my letters, darling. Say you do not, with your own pretty mouth! This week will settle all.

"Yours devotedly,

"WILLIAM.'

"I also received this letter:

"MY DARLING MARY,

"I was ordered off at 11 o'clock last night; but I would not and could not go without you, my love. I would rather resign than leave without you.

Granny promised me the trial trip this week. Can you possibly arrange it for one night this week, my own sweet love? Mary, darling, my health is giving way under all this suspense. I have offered the money three times over, and they refused to take it. Granny will see to this, and we can pay her when all is settled. What you have done for me I will double with love and devotion. Get the lace from the Strand; you cannot possibly do without it. Granny has behaved very well with regard to money affairs, and she loves you as though you were her own child. The old fox is very clever, and will laugh at the Welshman. If you do not be careful, and be guided by me, love's labour is lost. The expenses will be £4,000. I am working day and night to save every shilling for you, my heart's life. Be sure to get the lace; Stevens has got the Post Office Order. What have you done with my three letters?

“ ‘With fond and devoted love,

“ ‘I am your devoted

“ ‘WILLIAM.’

“The sentence about the lace had reference to getting it out of pawn. Madame Rachel told me it was pawned. I do not remember whether she said that she had pawned it. I always understood that it was pawned for Lord Ranelagh. Madame Rachel asked me to go to the Strand, and take it out.

“I received many more letters, but Madame Rachel

always took them away from me. At the end of July, or the beginning of August, she said it was necessary I should have diamonds to marry Lord Ranelagh. She said she would send for Mr. Pike, a jeweller of New Bond Street. He was sent for, and he brought the diamonds into Madame Rachel's sitting-room. There was a coronet and a necklace. Madame Rachel told him what was required, and I ordered them. She put them round my head and asked me how I liked them. Mr. Pike said the price was to be £1,200 or £1,260, I am not sure which. I had not at that time £1,260, but I had some property at Streatham. I negotiated with Mr. Haynes for its sale. The property sold for £1,540. I wrote an order on Messrs. Haynes in Madame Rachel's presence. It ran as follows :

“ ‘MY DEAR MR. HAYNES,

“ ‘Will you kindly forward to Madame Rachel £1,400 on my account.

“ ‘(Signed) M. T. BORRADAILE.’

“I gave her various sums of money, as I thought, for Lord Ranelagh, from time to time. After the property was sold, Madame Rachel said I should have the diamonds of Lord Ranelagh's mother. She showed me an old-fashioned coronet, which she said should be altered. Madame Rachel said she would get the trousseau for our marriage. I ordered clothes and lace

and jewellery. The articles were all sent to Madame Rachel's shop. I have never had one of them. She told me that Lord Ranelagh's servant would come for some of them. I never could get any of the articles back. She always said, when I asked for them: 'You must ask the man who loves you for them back.' I remember Madame Rachel on one occasion bringing me a lighted cigar, and saying that Lord Ranelagh's love for me was as warm as that. I executed a bond and gave it to Madame Rachel in December. I think it was to pay the sum of £1,600 to Lord Ranelagh. She then took me to a livery-stable, near a shop in New Bond Street, to select a carriage for my marriage with Lord Ranelagh. I selected one. She said that Lord Ranelagh's arms would be painted upon it. I parted with my money on the representations made to me by Rachel. This applies to every sum."

This concluded her examination by me in chief. Every one who was connected with that case must remember the stalwart military figure of Lord Ranelagh. He had been at the Police Court at the preliminary hearings before Mr. Knox, and he attended the trial at the Old Bailey, being accommodated with a seat upon the Bench. During Mrs. Borradaile's examination he sat with a half-puzzled look upon his face. The reading of the letters caused roars of laughter in the Court, and his lordship joined in the merriment.

Mrs. Borradaile was cross-examined somewhat severely by Mr. Digby Seymour, who commenced by saying to the witness :

“I hope you will not think me guilty of impertinence if I ask your age.”

She replied :

“It is a very rude question, and it is of no use your pressing me upon the subject. I was married in 1846. The age of the bride is a question I shan't answer ; but I was married twenty-two years.”

Cross-examined by him, she went on to say :

“I have been in India, and have always associated with people of the highest principles and rank. I am acquainted with the style and usages of polite society ; but I know nothing about business. I went to Madame Rachel's in 1864, when I was suffering from a little eruption on my face. I made inquiries, saw the prisoner's name up, and saw the advertisements. I had a conversation with her about her process. She said it did not consist, as many persons had been led to suppose, in stopping up the pores of the skin with dangerous cosmetics. Neither was it in plastering up the skin by painting the face, which must be disgusting to all right-minded women gifted with common-sense. On the contrary, it was accomplished by the use of the Arabian bath, composed of pure extracts of the liquid of flowers, choice and rare herbs, and other ingredients equally harmless and efficacious. She said her charges were from one hundred to one



thousand guineas, though she was not going to make me beautiful for ever then. She told me in 1866 that her regular charge was a thousand guineas for the whole process. I never took a bath at Madame Rachel's house. I agreed that Madame Rachel was to have £1,000. I do not know what benefit I derived from her treatment—very little. My skin is not better now than it was. She gave me some soap and powder, and something to put in the bath. My hair is all my own in the native colour. I have used a little of the Auricanus, that is, hairwash. I know that Lord Ranelagh's name is the Honourable Thomas Heron Jones. I wrote several things at Madame Rachel's desire; but do not know what they were."

A letter was here produced by Mr. Seymour.

"This letter is in my handwriting. It is as follows :

"LONDON, *September 23rd*, 1866.

"I, the undersigned, authorise Mary Rachel Leverson to dispose of all the property she has in her possession belonging to me: the bunch of seals, ruby ring, gold chain and cross, silks, linen, and sundry other things, of all of which a list has been given."

Several other documents having been handed to the witness, she admitted that they also were in her handwriting, and continued :

"I remember writing the following :

“ ‘MY OWN DEAR WILLIAM,

“ ‘I shall be able to leave home with you to-morrow at any hour you may think proper to appoint.’ ”

The letter then went on to allude to some neckties and socks which she had bought for Lord Ranelagh, and in reference to which the writer remarked : “ Thank goodness they are paid for.”

Mr. Seymour said :

“ What did you mean by that ? ”

The witness replied :

“ I wrote it at Madame Rachel’s dictation—every word of it. I ordered some shirts for Lord Ranelagh. Madame Rachel told me to do so, and I really believed he wanted them. It was at that time I found out he was not very rich. I remember Madame Rachel saying that Lord Ranelagh was my husband in the eyes of the Almighty, for he had seen me in my bath at least half-a-dozen times. What she meant, I do not know. He never did see me in my bath.”

In order to substantiate the false pretences, it was necessary for the prosecution to put Lord Ranelagh in the box, and we did so, not only with that object, but in order to give his lordship an opportunity of stating upon oath what he knew of the transaction. Lord Ranelagh deposed :

“ My name is Thomas Heron Jones. I have been

frequently at Madame Rachel's shop, but I never authorised her to use my name in any way as representing a desire or intention on my part to marry Mrs. Borradaile. I never authorised Madame Rachel to request loans from her for me. I made no representations on the subject of jewels, and did not desire that such representations should be made—nothing of the kind. I am very anxious to see the letter stated to bear my cipher. I have no paper with my arms upon it. If I have any paper it is with the address of my street and my monogram upon it."

This finished his examination-in-chief by Serjeant Ballantine. He was then cross-examined by Mr. Seymour, who asked :

"What was the attraction that took you to Madame Rachel's?"

His lordship replied :

"I stand in rather an unenviable position. I have been so embroiled in this public scandal that I am glad to tell you. I had the same curiosity as any other gentleman to see the prisoner, who, I understood, had been able to get a large sum of money out of a lady. I understood this from a trial which took place some years ago. Curiosity led me to the shop. You don't suppose I went there to be enamelled. Madame Rachel had received different articles on commission, and once or twice I bought two or three articles from her. I have often gone in to have a chat with her, as I have done at other shops. I think I saw Mrs. Borradaile

once in the shop. I have no recollection of being introduced to her."

At the request of Mr. Seymour, Mrs. Borradaile was recalled, and subjected to a further cross-examination, which, however, did not elicit any fresh facts of importance. Mr. Seymour intimated that he did not intend calling any witnesses for the defence, and addressed the jury. The Judge having summed up, the jury retired, and after an absence of about five hours returned into Court, not having been able to agree upon a verdict. They were accordingly discharged.

It of course now became necessary that the trial should be proceeded with *de novo*. To go on with the case that session was found to be undesirable, and it was accordingly adjourned for a month, the prisoner being admitted to bail in two sureties of £5,000 each.

The second hearing took place before Mr. Commissioner Kerr. It commenced on Monday, September 21st, and ended on Friday, September 25th. The evidence for the prosecution was practically the same as before, and at its close Mr. Digby Seymour intimated that he proposed to call witnesses. This he did, in the persons of Rachel Levenson, the eldest daughter of the prisoner, and Leonte Levenson, the younger daughter. In the end the jury returned a verdict of "Guilty," and the prisoner was sentenced to five years' penal servitude.

## CHAPTER XX.

### SIMPLEX MUNDITIIS.

Madame Rachel again—A case that did not come into Court—A lovely woman seeks to improve upon Nature—She takes a bath at Madame Rachel's and loses all her jewels—Treachery of the wicked old perfume-vendor—The victimised lady confides in her husband—He seeks my advice—The decision we come to, and why—Sergeant Parry and his methods—His popularity—"They call her Cock Robin."

IN the interval that elapsed between the time Madame Rachel's case was remanded from the Police Court and tried at the Old Bailey, my opinion was asked in another matter connected with the accused woman. As the facts are powerfully illustrative of the extreme stupidity of vain women, and as I suppress the names of the parties concerned, there can be no harm in taking the reader into my confidence.

A West-End solicitor sought my opinion on the facts here set forth. His client, a lady of fortune and position, had seen the advertisements of Madame Rachel, and though, as I subsequently found out—for she attended a consultation at my chambers with her solicitor and husband—she was an extremely good-looking and

attractive woman, she decided to see if it were not possible to improve upon Nature. She accordingly proceeded to the establishment in Maddox Street, and entered into an agreement with Madame Rachel as to what she was to pay for baths taken at the establishment, cosmetics, etc.; and I need hardly say that the rapacious old harpy insisted upon being paid in advance. One day the lady in question went to Madame Rachel's house for the purpose of taking a bath, and foolishly wore a number of very valuable rings upon her fingers, diamond ear-rings, and other jewellery. On divesting herself of her garments, in a dressing-room that was a short distance from, though in the same passage as, the bath-room, she took off these costly ornaments and placed them in a drawer. She then proceeded to the bath-room, leisurely went through the process that had been prescribed for her, and presently returned to the dressing-room. When she had finished her toilet, and was about to depart, she looked in the drawer for the articles she had deposited there, and, to her dismay, found they had all disappeared. She rang the bell, and upon the appearance of an attendant, asked to see the proprietress of the establishment. Madame Rachel was at once summoned, and upon being told of the loss in question, flew into a violent rage, or rather, to be strictly accurate, pretended to do so. She roundly declared that she did not believe any jewellery had been deposited in the drawer at all, and upon the unfortunate lady insisting that such had been the case,

and demanding the return of her property, the wicked old woman turned round and said :

“It's of no use your giving yourself airs here. I know who you are. I have had you watched. I know where you live (giving the name and address of the lady). How would you like your husband to know the real reason for your coming here, and about the gentleman who has visited you here?”

The poor victim was so horrified by this, that, losing all presence of mind, she hastily quitted the shop. It was not until she had read of the Borradaile case, in connection with the hearing before the magistrate, that she went to her husband, and told him of the loss she had sustained, and of the despicable trick that had been played upon her. The husband was a man in an exceedingly good position, and, after discussing the matter with me in consultation, he came to the decision which I think was a wise one—that it was better to put up with the loss of the jewellery than to face the disagreeable exposure that would be inevitable if the matter were brought into Court.

One of the ablest criminal counsel during my professional career was Serjeant Parry. He was exceedingly popular at the Bar. Remarkably solid in appearance, his countenance was broad and expansive, beaming with honesty and frankness. His cross-examination was of a quieter kind than Serjeant Ballantine's. It was, however, almost as effective. He drew the witness on, in a smooth, good-humoured, artful, and apparently

magnetic fashion. His attitude towards his adversary also was peculiar. He never indulged in bickering, was always perfectly polite, and was most to be feared when he seemed to be making a concession. If in the course of a trial he, without being asked, handed his adversary a paper with the words: "Wouldn't you like to see this?" or some kindred observation, let that adversary beware, for there was something deadly underneath. He was a very successful advocate in criminal cases, and had few equals in trials of *nisiprius*. Both he and Serjeant Shee (who was also a man of strong build) were wonderful in cases of tort, libel, and slander, and in actions at law *ejusdem generis*.

Parry was most popular on the Home Circuit. Leaders and juniors had an equal affection for him. He was a wonderful teller of anecdotes, fond of a good dinner, and a great judge of port wine. For many years he was a member of the Garrick Club, and numerous were the pleasant dinners given by him there. They took place in the little room opposite the smoking-room, and at those dinners I was a frequent and welcome visitor. He came to the Bar late in life. Originally he was a librarian or custodian in the British Museum. While in this office, he saved sufficient money to meet the necessary Inns of Court fees, to enter as a student at the Temple, and subsequently to be called to the Bar. He first attended the Middlesex Sessions, then the Old Bailey, and quickly came into public notice. He did a large criminal business at the same time as Clarkson,



Bodkin, and Ballantine. I think that both he and the last-named took the coif and became Serjeants simultaneously—at any rate there was very little difference of time between them.

I remember being associated with Serjeant Parry in a somewhat remarkable case, the details of which I do not propose to give. The central figure in this case was a man named Risley, commonly known as “Professor” Risley. He had acquired a considerable sum of money by taking about the country, and to various places of amusement in the metropolis, a band of gymnasts. He was charged at the Central Criminal Court with unlawfully attempting to take Maria Mason, a girl under the age of sixteen, who lived in one of the alleys leading from Leicester Square, out of the possession of her father. I attended for him before the magistrate, Sir Thomas Henry, at Bow Street. After numerous hearings the case was sent for trial. Mr. Besley conducted the prosecution, while Mr. Serjeant Parry, myself, and Mr. Straight, conducted the defence. A consultation took place at the Serjeant’s chambers on the Saturday previous to the commencement of the Session, Mr. Straight and the solicitor instructing us attending it. Though I had been the good old Serjeant’s junior on many occasions, this was the first and only time he was ever angry with me. I am afraid I was always somewhat impetuous; but the impetuosity arose through over-anxiety for the welfare of my clients.

The case, as it came out before the magistrate,

proved to be anything but a strong one, and it was very nearly dismissed by his worship. I was certainly under the impression myself that an easy victory lay before us. Of course the Serjeant's brief had been delivered before we met; and he had, equally of course, carefully read and thoroughly digested it. When we entered the room to hold the consultation, I was somewhat surprised to see a settled gloom upon his countenance. "Well, Serjeant," I exclaimed, "and what do you think of our case; a galloping acquittal, eh?" He turned round to me almost savagely, and said: "Are you going to conduct the case, or am I? Hadn't you better wait until you hear what I have to say upon the subject?" I naturally collapsed.

During the consultation, the Serjeant expressed anything but a sanguine anticipation as to the result. The consultation over, we were all about to quit his presence, but he requested Straight and myself to remain behind. No sooner was the attorney out of the room, and the door shut, than he turned to me and exclaimed: "My dear Monty, when will you learn prudence? What on earth do you mean by speaking about a galloping acquittal before the solicitor! Just consider the position you put me in! Supposing I lose, what will he naturally say, what will his client naturally say?—for he is sure to repeat what has passed—'If we had allowed Montagu Williams to conduct the case, we should have won it, for he told the Serjeant that it was a galloping acquittal.' It is nothing of the sort, my dear

boy. I have had years and years more experience than you. Never speculate upon verdicts in such cases as these—a young girl in the box, too! I assure you I entertain a very different opinion, and if we win, it will be by the skin of our teeth.” Then, with a smile on his good-humoured face, he added: “Now don’t lose your temper, you know you do on the slightest provocation. What I say is entirely for your own good.” Well, no one could be angry with him, so I laughed, too; and Douglas and I then left the consultation-room together.

How correct the Serjeant was, was shown in the morning. The trial came on, and the girl told her story. She was of extremely prepossessing appearance— young, fragile, and extremely innocent-looking. She hesitated in giving her answers, and eventually burst out into a flood of tears. The Serjeant was sitting with his two juniors—myself on the right, and Douglas Straight on the left—and as this scene in the drama was enacted, I shall never forget the look that he gave us. He was a master in the art of cross-examining a witness of this description. Of all the duties of a counsel, that of cross-examination is, in my opinion, the most difficult one in which to acquire proficiency. Few have excelled in it. It is a dangerous weapon, and the true art lies in knowing either where not to put any questions at all, or the exact moment when to stop putting them.

The Serjeant handled the witness with great delicacy, but he was unable to shake her in any particular. As

he sat down, he turned round to me and whispered : "What did I tell you ?" The younger sister of the girl was then put into the box. Of course the whole of the case turned on the question of the respectability and previous character of the prosecutrix. While the Serjeant was cross-examining the sister, in reference to a male cousin, regarding whom some suggestions had been made, the witness made the following reply to one of the questions put to her :

"Yes ; I do remember his coming to our house and asking for my sister. He asked for her by her nickname."

Quick as lightning, the Serjeant seized the point, and raising that ponderous forehead of his, and opening upon the witness his great luminous eyes, he said :

"Nickname ? What is her nickname ?"

The witness replied :

"They call her Cock Robin."

Turning first of all to me, and then to Straight, and with an indescribable look at the jury, Parry slowly and significantly repeated the words : "They call her Cock Robin." From that moment the case was at an end.

Little did the audience know what subsequently transpired as to her character. The story only shows how deceptive witnesses of this description are. She wore, it is true, every appearance of innocence, but in her person she illustrated the truth of the old adage that one should not judge by appearances.

## CHAPTER XXI.

EHEU FUGACES, POSTUME, POSTUME, LABUNTUR ANNI.

Police Court practice—Magistrates at Marlborough Street and Bow Street: Sir Thomas Henry, Sir James Ingham, Mr. Flowers, Mr. Vaughan, etc.—Story of the gentleman from Bourne-mouth who lost his watch—How the suspected man was arrested and taken before a magistrate—The prosecutor finds he has made a mistake—Sir James Ingham gives a practical illustration of human forgetfulness—An old thief at the back of the Court perceives his opportunity and seizes it—Social reforms brought about by Mr. Knox—The West End: then and now—Licensing business—Excellent City Aldermen: Sir Thomas Gabriel, Sir Benjamin Phillips, Sir James Lawrence, and others.

BESIDES the business I did at the Central Criminal Court and the Middlesex and Surrey Sessions—where I was often taken “special”—I had a very large practice at the Police Courts. In those days, counsel were taken into those Courts far more frequently than they are now, and an important case was never heard there without their appearance, either on one side or on both sides. The Courts where most cases of importance were tried were those at Bow Street and Marlborough Street, the latter taking the lion's share. The

magistrates at Bow Street were Sir Thomas Henry, Mr. Vaughan, and Mr. Flowers; and in reference to the last-named, who was familiarly known as "Jimmy" Flowers, I may mention that he was an old Temple pupil of my father's, and one of the most kind-hearted creatures that ever lived. At Marlborough Street, the magistrates were Mr. Tyrwhyt and Mr. Knox. Sir Thomas Henry, as chief magistrate, only sat in Court about two days a week, for he had to transact all the Home Office business, and hear the extradition cases; the latter being generally disposed of in his private room. He was an excellent man, and as chief magistrate we shall never see his like again.

There was no Bow Street Police Court in those days. The Court was held in two private houses, knocked into one, on the opposite side of the road to where the present building stands. Near it was the "Garrick's Head," where Judge Nicholson used to preside over the mock-trial of the Judge and Jury.

The Chief Clerk at Bow Street was Burnaby, and a most excellent clerk he was. I think that, when he retired, he had filled the office for something like forty years. Mr. Vaughan, before he became a magistrate, enjoyed a considerable practice on the Oxford Circuit. No man was ever more just and firm. He was called to the Bar in November, 1839, and made a magistrate in June, 1864. He is still upon the Bench, while Sir Thomas Henry and "Jimmy" Flowers have passed away. The successor to Sir Thomas Henry in the

office of chief magistrate is Sir James Ingham. He was called to the Bar on the 15th June, 1832, and made a magistrate in March, 1849. He is now, I believe, over eighty years of age.

A rather good story is told of Sir James Ingham, though I am not prepared to vouch for its truth. The incidents occurred—or rather, are said to have occurred—soon after his promotion. A gentleman travelled by rail on the South-Western from Bournemouth to London. He commenced his journey in an unoccupied carriage, and proceeded for a considerable distance alone. At one of the intermediate stations—I think it was Basingstoke—a man entered the compartment. The train did not stop again until it reached Vauxhall. On the way thither, the gentleman from Bournemouth fell asleep. When the train arrived at Vauxhall, he woke up, and put his hand to his pocket for the purpose of ascertaining the time. To his consternation, he found that his watch and chain were gone. His sole companion in the carriage was busily engaged reading a newspaper. Turning to him in a somewhat excited manner, he asked:

“Has any one else entered this compartment while I have been asleep?”

“No,” was the answer.

“Then, sir,” proceeded the gentleman from Bournemouth, “I must request you to tell me what you have done with my watch. It has been stolen during the time that you have been in the carriage. You had better

return it, or I shall have to give you in charge on our arrival at Waterloo.”

The other traveller, who really appeared to be virtuously indignant, over and over again protested that he was a gentleman; that he had seen no watch; and that he knew nothing whatever about the matter.

When the train arrived at its destination, a porter was sent to fetch a constable. The suspected man was given into custody, and conducted to Bow Street Police Court, where the charge was at once heard by Sir James Ingham. When put into the box, the prisoner repeatedly asserted his innocence. In the course of the inquiry, Sir James Ingham asked the prosecutor whether, when the train arrived at Waterloo, he had observed anybody come near the prisoner. The prosecutor replied:

“Yes; another man came up, apparently for the purpose of inquiring what was the matter.”

“Just so,” replied the magistrate. “That accounts for the disappearance of the watch. These things are never done alone. Wherever a theft takes place, whether in a train, a crowd, or elsewhere, there is always a confederate to receive the stolen property. Prisoner, you are remanded for a week; but if you are a respectable man, I have no objection to take very substantial bail.”

Upon this, the accused stated that he had no friends in London, and that it would be impossible for him to find bail, as he was a foreigner—or rather,



an Englishman who had spent the last few years of his life in foreign travel, having only returned to this country a day or two before. Therefore, he declared, to remand him for a week would be tantamount to sending him to prison for that period. Finally, he prevailed upon Sir James Ingham to take the case again upon the following day.

Next morning, when the remands were called on, the prisoner was put into the dock, the prosecutor simultaneously entering the witness-box. The latter wore a very dejected appearance, and, before any questions were put to him, he said that he wished to make a statement. "I do not know," he began, "how to express my regret for what has occurred; but I find that I did not lose my watch after all. I communicated my loss by telegraph to my wife at Bournemouth, and she has written to say that my watch and chain are safe at home." He proceeded to say that he could not explain the matter on any other supposition but that, dressing hurriedly to catch the train, he had entirely forgotten to take his watch from the dressing-table.

Here was a pretty state of things! An innocent man had been dragged through the streets as a felon, falsely charged, and locked up for the night. Sir James, who is one of the most urbane of men, did all he could to throw oil upon the troubled waters. He said: "It is a most remarkable occurrence. To show, however, how liable we all are to make these

mistakes, I may mention, as an extraordinary coincidence, that I myself have only this morning been guilty of precisely the same oversight as the one in question. I was under the impression, when I left my house at Kensington, that I put my watch (which, I may mention, is an exceedingly valuable one) in my pocket; but, on arriving at this Court, I found that I must have left it at home by mistake." Ultimately both parties to the incident left the Court, an amicable understanding having apparently been arrived at between them.

The business of the Court over, Sir James Ingham wended his way home. On entering his drawing-room, he was met by one of his daughters, who exclaimed:

"Papa, dear, I suppose you got your watch all right?"

"Well, my dear," replied the chief magistrate, "as a matter of fact, I went out this morning without it."

"Yes, I know, papa," his daughter replied; "but I gave it to the man from Bow Street who called for it."

There had been an old thief at the back of the Court while the occupant of the bench was, that morning, giving an illustration, from personal experience, of human forgetfulness. He had whipped into a hansom cab, driven to the residence of Sir James Ingham, and, by representing himself to be a

*bonâ fide* messenger, had obtained possession of the valuable watch, which, so far as I am aware, has never been seen or heard of again, by its rightful owner, from that day to this.

To Mr. Knox is mainly due the reformation of the Haymarket and the night-houses which, twenty or thirty years ago, abounded in the neighbourhood of Panton Street and Leicester Square. When I was a young man, the Argyll Rooms and the Holborn Casino were in existence, the former, which originally had been a dancing saloon in Windmill Street, being the property of Mr. Robert Bignell. Upon the ruins of the Windmill Street Saloon were built the Argyll Rooms, which came to be the most popular dancing establishment in London, being frequented by all the young men about town, and the denizens of the *demi-monde*. The rooms were opened at about 9.30 p.m., and did not close until midnight. They were licensed for music and dancing, and for beer and spirits, by the Middlesex magistrates. This condition of affairs lasted until fourteen or fifteen years ago, when, after a desperate fight before the licensing authorities, the license was taken away. There were several houses in the immediate vicinity which opened and commenced business at about the time that the doors of the Argyll Rooms were closed. In the Haymarket itself, opposite to where the London Pavilion now stands, was the Piccadilly Saloon. It had no license whatever; and it was notorious that, with

regard to this place, and to the night-houses about which I shall have something to say presently, the police were induced, by some means, and for some reasons into which I do not propose to go, to persistently close their eyes. Inspector Silverton was the police officer responsible for the good or bad order of the district. At the Piccadilly Saloon, which was, as I have said before, an unlicensed dancing-room, the fun would commence at about 12.30. It was a small room, with a gallery upstairs. Some one stood at the outer door, which opened upon the passage leading into the dancing-room; and half-way up the passage was the man who took the entrance-money. There was a regular drinking-bar on the left-hand side as you entered, and at the end of the room were three musicians, one of whom played the piano, another the harp, and the third the fiddle. The police were supposed to visit such houses as this, at least once every night; and what used to take place here—for I have seen it with my own eyes—was simply a ludicrous farce. A knock was given at the outer door by the visiting inspector, whereupon the word was passed: "Police!" Some two or three minutes were allowed to elapse, and then the inspector, accompanied by one or two subordinates, entered the building, lantern in hand. The interval of time had been sufficient to enable all the bottles and glasses to be whipped off the counter, and placed on the shelves underneath, innocent coffee-cups being sub-

stituted in their stead. Sufficient time had also been given to enable the three musicians to vanish through a doorway. This doorway was at the back of the room, and opened into a sort of cupboard, large enough to conceal the three delinquents. Here they remained until the police, having gone through the usual sham of walking round the room, had taken their departure.

What I have said in reference to the Piccadilly Saloon, applies equally to Bob Croft's, which was in the Haymarket itself, on the right-hand side going down towards the theatre; Kate Hamilton's; Sam's, in Panton Street; Sally's, on the opposite side of the road; and other establishments of a similar kind. It was currently reported, when Inspector Silverton left the force—which he did shortly after these dens (mainly through the instrumentality of the learned magistrate at Marlborough Street) had been closed—that he retired upon a very snug competence.

Of course it is an open question whether the suppression of places of this description was ultimately for the public benefit. In those days, the exterior—I mean the thoroughfares of Leicester Square, the Haymarket, Piccadilly, etc.—was perfectly quiet. The evil, which I suppose must exist in some shape or other in all largely-populated cities such as ours, was, to a certain extent, concealed from the public eye. It is not so now. Since the late Metropolitan Board of Works granted two of the most important sites in the West End for the erection of the Criterion Res-

restaurant and the Pavilion Music-Hall, the thoroughfares immediately adjoining have become, after closing hours, simply impassable for respectable persons. With regard to Piccadilly, it is getting from bad to worse, and night is rendered simply hideous by street rows and disgraceful scenes of all descriptions. I can remember the old Evans's, which stood on a spot now occupied by the premises of the New Club. It was only a small room, with a recess at the further end. Paddy Green was the proprietor. Of course, I am now speaking of a time before women were admitted; and the songs that were sung by Sharpe, Ross, and others, were not always of the most delicate description. Thackeray was a great *habitué* of Evans's. He usually took up his position, two or three times a week, in a particular seat at the back of the room, and against the wall. Herr von Joel was an attraction at the establishment. He will be well remembered by those who heard him, for his imitation of the voices of birds. He had a wonderful trick of playing tunes upon walking-sticks, which he would borrow from persons in the audience. To him belonged the privilege of selling cigars. In the bills he was announced as being "retained upon the strength of the establishment in consequence of his long services." Few among those who visited Evans's, will forget the rubicund countenance, the dark silk pocket-handkerchief and the snuff-box, of Paddy Green, or the extraordinary method of arithmetic employed by Skinner, the head

waiter. He it was who took the money from the guests as they passed out; and he totted up their bills from memory with such remarkable rapidity as to daze their very often somewhat hazy intelligence.

When I first began business, the licensing all over the metropolis, which is a very lucrative matter for counsel, was mainly in the hands of Messrs. Sleight and Poland. After a few years, however, when Sleight became Serjeant, the business was practically divided between Poland, Besley, and myself. I never cared for the work, but the fees were large, and the briefs were numerous—circumstances which acted as gilding upon an unpalatable pill.

I have known the law officers of the Crown, and other most distinguished Q.C's., to be retained in connection with the Argyll Rooms, Cremorne, the Aquarium, and other kindred places. On one occasion, when Sir John Holker was Attorney-General, he, Poland, and myself, were retained in a case of this description. A fee of two hundred and fifty guineas was marked upon Sir John's brief, and I am under the impression that all he had to do, with the exception of attending a few consultations, was to address the magistrates for a quarter of an hour. For this, he received in all about three hundred guineas. A more unsatisfactory tribunal, in my humble opinion, than that before which the licensing business came, never existed. Where large vested interests are concerned, influence is brought to bear in every available

shape and form. Matters have been considerably altered, a revision of the licensing system having taken place. One of the consequences of that revision is that licenses for spirits and beer are granted, in the first instance, by the district magistrates, whose decisions have to be submitted to a confirmation committee, which is selected from the whole metropolis. Matters even now, in my humble judgment, call aloud for reform. I believe one-half of the crime of the metropolis—certainly in such districts as Greenwich, Deptford, Whitechapel, and Shoreditch, where the heritage of the people is pestilential dens, hovels, slums, and darkness—is largely due to the reckless manner in which licenses have been showered about, like pepper from a pepper-box, by the licensing authorities. Personally, I am not one of those who would rob the working man of his modest glass of beer, but I am nevertheless of the opinion that, so long as the present state of things exists in reference to the establishment of public-houses, but little success will crown the efforts of those who seek to improve the condition of the people. The question is, who is to move in the matter? Politicians on both sides of the House are apparently afraid to do so. The truth is that the licensed victuallers are so powerful a body that neither political party dares to offend them.

While speaking about the magistrates, I must not forget the City aldermen. It is often said that it would be a good thing if we had stipendiaries in the



City as well as in other parts of the metropolis, but with this I am not at all inclined to agree. Speaking from five-and-twenty years' experience of the City of London, I am bound to say that the aldermen do their work most admirably. Of course they have capital clerks. When I first began to practise at the Guildhall and the Mansion House, a gentleman named Oke was the chief clerk at the latter place. He was a man of very great legal knowledge, and the editor of "Oke's Magisterial Synopsis," and of other elementary legal hand-books. Mr. Martin, an equally good assistant, was the head clerk at the Guildhall. They were always quite able to keep the presiding Justice straight in all questions of law, and as, very often, at the Mansion House, cases of great commercial importance are tried, it was very necessary that they should have possessed the capacity to do so. While getting the law of the matter from the clerk, the presiding alderman, being himself a tradesman or merchant, could bring to bear, in considering the various matters that came under his notice, his mercantile knowledge and general business capacity. Of course, it is invidious to particularise where all did their duty so well, but if I were asked to name three of the best, I should say—Alderman Sir Thomas Gabriel, Sir Benjamin Phillips, and Sir James Lawrence.

A certain gloomy day is well remembered in the City of London. Some years ago, Gurney's, and other large banking establishments, the Merchants'

Company, and other great mercantile and discount houses, suddenly put up their shutters, and stopped payment. Criminal prosecutions followed, taking place before either the Lord Mayor or the presiding alderman at the Mansion House. I was quite delighted with the amount of sagacity, power of cross-examination, and sound good sense, displayed by Sir Thomas Gabriel at the hearing of one of the extraordinary charges in question, regarding which I may have something more to say before I have finished these pages.

Sir Benjamin Phillips I knew both professionally and in private life. He was a man about whom there was no nonsense. He never claimed to be anything but what he was — a plain citizen, and a self-made man. Although extraordinarily wealthy, he was never tired of referring to the day when he came up to London without even the proverbial sixpence in his pocket, and commenced life upon the very lowest rung of the ladder. Upon one occasion he took me to the Commercial Road in his carriage, and pointed out a little bead-shop there, remarking as he did so: "And here, my boy, is the place where my wife and I first began business by selling beads." From such small beginnings grew the great house of Faudel, Phillips & Co., whose premises now occupy a great portion of Newgate Street.

## CHAPTER XXII.

PARATUS OMNE CÆSARIS PERICULUM  
SUBIRE MÆCENAS TUO.

The Shrewsbury election petition—Douglas Straight accused of bribery and treating—We all put up at “The Raven”—My social duties as junior—Hardinge-Giffard would not let me smoke in the sitting-room—I have my revenge, and Giffard has no breakfast—The tactics I pursue in regard to the dinner—Ballantine opens the case—The man with the white hat—The “Dun Cow” dinner—A little joke from the Bench—Straight becomes very angry with Ballantine—Four anxious hours—Baron Channell gives a decision in our favour—General rejoicings.

I WAS junior counsel at different times in several election petitions. The first was that at Wallingford, where Mr. Dilke was the petitioner, and Mr. Vickers, distiller—who had a house at Goring, on the Thames, close to the place he sought to represent—was the sitting Member. The trial took place before Mr. Justice Blackburn. Mr. Merryweather (poor Bunsby!) and Mr. Poland were counsel for the petitioner, while Serjeant Ballantine and myself represented the sitting Member. As, however, the Serjeant has described this petition at some length in his book, I do not propose to refer to it, except *en passant*.

The next election petition in which I was concerned took place in 1870, and was a case of the greatest possible interest to me, because the sitting Member, whose junior counsel I was, was my intimate friend and daily companion, Douglas Straight. The seat was that of Shrewsbury. Douglas had originally gone down to the constituency to assist the candidature of Mr. Alderman Figgins, and he was so successful in furthering the interests of that gentleman that he determined at the time that, should the opportunity occur, he would contest the seat himself. The time came for him to carry his intentions into effect; and he found himself opposed to a gentleman of the name of Cotes. The votes polled were—for Mr. Straight (Conservative), 1,291; for Mr. Cotes (Liberal), 1,253; thus giving the former a majority of 38. Very soon after this election, a General Election took place, when the same two candidates were in the field, and Douglas was again returned, this time by a larger majority than before. A petition was then lodged against him for bribery and treating.

The trial took place before Mr. Baron Channell, at the latter end of December, 1870, and lasted four days. The counsel for the petitioners were Mr. Serjeant Ballantine, and the Honourable Chandos Leigh, who were instructed by Messrs. Wyatt and Hoskins; and, for the sitting Member, Mr. Hardinge-Giffard, Q.C., Mr. Poland, and myself; we being instructed by Mr. Frank Greenfield, who was one of Douglas's most intimate friends.

Of course the Judge and the opposing counsel were bound to do their duty in their respective spheres, but I cannot help thinking that they were, from the first, disposed to entertain the hope that the petition would fail. Douglas Straight was a universal favourite. Again, who could fail to admire the pluck and ability with which he, a young man only just called to the Bar and only three-and-twenty years of age, had fought so strongly contested a battle as that of Shrewsbury, and come off with flying colours?

The sitting Member, Poland, Hardinge-Giffard, and myself, travelled together to Shrewsbury by the Great Western. We put up at the "Raven Hotel," and, save for the anxiety that we felt on behalf of our friend, we had a very jolly time. I often think of a somewhat amusing incident, involving some questions of professional etiquette, which took place on the day of our arrival at this ancient city. Hardinge-Giffard was always one of the greatest possible sticklers for the performance of the duties that are expected from a junior. One of these duties on an occasion such as that to which I am alluding, is to attend to the eating and drinking department—namely, the ordering of meals, etc., for the whole party, who occupy a sitting-room in common.

I was an inveterate smoker, and if there was one thing that Giffard hated more than another, it was the smell of tobacco. Shortly after our arrival at the hotel, I brought down to the sitting-room a large

box of cigars. These caught the eye of the future Lord Chancellor, who said: "What are you going to do with them?" I simply replied: "They are my cigars; I brought them down, as I always smoke after dinner." Giffard then said: "You certainly won't smoke here." I merely remarked that sufficient unto the day was the evil thereof, and that we would see about that after dinner. Well, when the meal was over, I—knowing what a good-natured fellow I had to deal with—filled my cigar-case from my box, and, with a grin, was about to light up. My leader at once said: "I assure you, I am in earnest. As I said before, you are not to smoke here." I replied: "Well, where am I to smoke? It would never do for me, as counsel in an election petition, to go into the ordinary smoking-room, where I might meet anybody; and I certainly do not intend to smoke in the yard of the hotel." "I really don't care for that," said he; "as I observed before, you will not smoke here."

It was snowing hard. The winter that year was a very severe one, and the weather was cold even for the end of September. Nevertheless, the position had to be faced, so, bouncing out of the room, I put on my waterproof, and in a few moments was enjoying the fragrance of my weed, as best I could, on the pavement outside the hotel.

It was another of my leader's fads that he would not commence breakfast until his junior put in an appearance. The next morning I determined to be

even with him. I never ate breakfast; he never tolerated tobacco, so we were on equal ground. The Court had to sit at ten.

In vain did the chambermaid come up to my room, at stated intervals, with the message that breakfast was waiting. Never before did I take so long over my toilet. At about five minutes to ten I strolled down to the breakfast-room. This, I knew, would leave me just sufficient time to get into Court before the commencement of the proceedings, for the Court House was only just opposite the hotel.

I found Giffard seated in an arm-chair before an enormous fire. The breakfast—grilled fish and other delicacies—was placed in the fender. The tea had not yet been brewed. My leader looked in a rage; he must have been only acting, however, for in all my life I never saw him seriously out of temper. I knew, he declared, just as well as he did, what his rules were; I knew that he had been waiting breakfast for me. It was my duty to be down in time to make the tea; and, in consequence of my laziness, he would have to go to Court without any breakfast at all. "But," I casually remarked, "I never eat breakfast—I don't care about it." "Well," he rejoined, "you are, I think, the most selfish fellow I ever came across." "Oh dear no," I said; "you forget the smoking yesterday. You don't smoke. I can't see the difference."

He burst out laughing, and we proceeded forthwith into Court. The matter, however, did not stop here.

As I observed before, it was my duty to order dinner. At midday, for this purpose, I interviewed the landlady of the hotel. I ordered everything that money could procure within the limited resources of Shrewsbury.

The dinner-hour arrived, and never shall I forget the faces of my two learned friends as dish succeeded dish in apparently endless rotation. At last Giffard could stand it no longer. "Good God!" he exclaimed, "what is the meaning of this; the dinner will never end." Then turning to me, he added: "What in the world have you been doing?" "My duty," I replied. "You are master of the apartment, but the dinner business devolves upon me." And that night, when the meal was over, I remained by the fire, and smoked my cigar.

It was on Saturday afternoon that we arrived in Shrewsbury, and the trial commenced on the Monday morning. When Serjeant Ballantine commenced his opening, the Court was crowded, especially with ladies, among whom the sitting Member appeared to be a general favourite. The Serjeant began by paying a very high compliment to his learned friend, Douglas Straight. Proceeding to enumerate the cases of alleged bribery, he suggested that several leading members of the Corporation, who were Conservatives, had taken an active part in influencing the voters, mentioning in this connection a Mr. Groves, who was a popular member of the Town Council. He exonerated Mr. Straight entirely from any personal treating, and remarked that, though the borough was essentially a



Liberal one, the Corporation was thoroughly Conservative in its character. He said that its members had used influence of every kind with a view to the return of the Conservative candidate, and that pressure had especially been put upon the humbler classes—a circumstance that he ventured to designate as improper in the extreme, and deserving to meet with severe reprobation. He called particular attention to the conduct of Walter Whitmore, a Captain of the Militia, who it was alleged had, upon the day of the election, gone down the road to some men who were employed excavating some gas-pipes, and had treated them, afterwards accompanying them to within a short distance of the polling-booth. This gentleman, the learned counsel declared, would be clearly identified by his dress, and by the circumstance of his having worn a white hat. The next case, Serjeant Ballantine said, was one of undoubted importance, and one in which, he was afraid, his lordship would have to exercise his powers in a way that would be anything but pleasant to the parties concerned. The mayor of the borough and his sons were implicated. The learned counsel next called attention to certain cases of treating, more especially to what he described as the “Dun Cow” supper. The “Dun Cow,” he explained, was a public-house in the town, and Mr. Townsend, its proprietor, was an enthusiastic supporter of the Conservative cause. A reverend gentleman was in the habit once a year of giving a supper to his tenants at the “Dun Cow.”

It was an extraordinary thing that the liberality of landlords became very great when an election was taking place. As a rule, the reverend gentleman gave the annual treat to his tenantry at an early period of the year; but, on this occasion, the supper had been arranged to take place on the eve of the Parliamentary contest. The invitation to the supper was, the Serjeant declared, accompanied by that which was "likely to give the tenants an excellent appetite—the shaking of a bag of money in their faces." After supper Mr. Straight's health was drunk, and such an effect had the bag of money, the meal, or some mysterious influence, had upon the company that, though it was composed of a number of persons who had always voted Liberal, all present were suddenly seized with the determination to support Mr. Straight—a determination which, the Serjeant added, had been carried into effect. To judge, he said, from his own experience, on a convivial occasion of that character, a bond of unity was created among the guests, and they would have been ashamed to look one another in the face if, after what had occurred, they had failed to exercise their franchise in the way they had promised.

The learned Judge here interposed, and remarked: "There are some promises that are like something else—they are made to be broken;" at which the public in the gallery, as is usual on such occasions, laughed.

Ballantine went on to refer to other cases of alleged treating, and concluded his address at about four

o'clock, having been speaking all day. The Court then adjourned until the morrow.

I do not propose to go through the evidence in detail. Witnesses were called who in the main proved the learned Serjeant's opening. Before the case concluded, however—in consequence of certain witnesses not being quite up to the mark—Ballantine withdrew several of the charges. Considerable amusement was caused while evidence was being given as to the "Dun Cow" supper. In cross-examination by Mr. Giffard, a witness was asked whether the company had drunk the health of Mr. Straight. A reply having been given in the affirmative, the further question was put to him as to whether the health of the Queen had not also been drunk. The witness said that he could not remember, and upon being pressed as to whether the "Church and State" had not been drunk, he replied that he did not know what was meant by the question. Upon this the Serjeant observed: "You are a consistent Conservative;" at which the occupants of the public gallery again laughed.

Mr. Giffard called his witnesses, one of whom was Captain Walter Whitmore, who positively denied that he was the mysterious man in the white hat. My leader made a most excellent speech, and, I think, put the Serjeant rather upon his mettle; for when the latter came to reply, all the consideration for Straight which he had previously shown, had disappeared. I am bound to say, indeed, that the Serjeant did his best to win.

We found it almost impossible, during Ballantine's address, to keep the sitting Member quiet. From his seat underneath the counsel, he kept turning round to me and vowing the most dreadful vengeance against Ballantine; observing that he certainly had not expected this from the Serjeant, who had been his father's oldest friend. He, of course, also indulged in the usual threat that he would never speak to Ballantine as long as he lived. Altogether Giffard and I had the greatest difficulty in suppressing this hot-headed young gentleman.

The Serjeant ended his reply at about one o'clock. The good-natured old Judge, looking at the sitting Member with a twinkle in his eye, said that, as he did not wish anybody to pass a sleepless night, he would not adjourn the case until the following morning, but would give his decision at four o'clock that afternoon.

The intervening hours were very anxious ones for me, for I felt as much interest in the issue as though I had been personally concerned. At four o'clock the Court reassembled, and from the good-tempered expression on Baron Channell's face, as he took his seat upon the Bench, I felt convinced that all was well. His lordship summed up with considerable force, and in an exhaustive way. Having disposed of most of the allegations, he proceeded: "And now we come to the 'Dun Cow' supper." A kind of cold shiver ran through us all, for this was the rock on which we

feared the vessel might split. However, after giving a strange ruling of his own as to what constituted an agent, he observed, with regard to the supper itself, that, though he did not think it sufficient to unseat the respondent, it would undoubtedly have been far better had it never taken place. In the end he found : firstly, that Mr. Straight was duly elected ; secondly, that there was no reason to believe that, at the last election, any considerable bribery or corruption took place ; and, thirdly, that the petitioners should bear the costs. The result was hailed with vociferous applause, the ladies in the gallery testifying their delight by waving their handkerchiefs. The enthusiasm was caught up by the crowds in the square, and on the appearance of the honourable Member and his friends outside the hall, he was received with successive rounds of hurrahs.

In the evening, we all proceeded to the Music Hall, where an enormous concourse of persons was assembled. Douglas made a speech, and afterwards we adjourned to supper at the house of one of his principal supporters.

We returned to "The Raven" at about two o'clock in the morning. It was snowing hard as we proceeded thither ; and the joys of the evening terminated by the sitting Member and myself having a remarkably fine snow-ball fight around the gravestones in Shrewsbury churchyard.

## CHAPTER XXIII.

ECCE ITERUM CRISPINUS.

I am instructed to prosecute Robert Cook, whom I have met before—How he wronged the poor widow—She had no money for a Christmas dinner—I “go for” the accused with a vengeance—Ballantine can’t understand it—The jury return a verdict of “Guilty,” and Cook’s carriage drives away empty—I sign a petition, and the sentence is mitigated—The Wood Green murder—Description of the crime—The dinners at the Central Criminal Court—A chaplain’s choice observation—A jewel robbery—How the thieves gagged the assistant—A theatrical effect in the box—The Stratford murder—A damning piece of evidence—The murderer’s confession.

It will be well remembered that in one of my early chapters I mentioned certain matters connected with a money-lender of the name of Robert Cook. I stated that I owed him a debt, and that I paid it with interest. The circumstances under which this payment took place I will now proceed to narrate.

A lady of the name of Hall considered that she had been defrauded of certain property, and consulted a solicitor. That solicitor sought my advice; and the result was the issue of a summons, from Marlborough Street Police Court, against Cook, for unlawfully, and

by false pretences, causing the said Hall to execute a deed assigning her interest in some property to himself, and for converting to his own use a certain policy of insurance. I appeared as prosecuting counsel at the preliminary investigation before Mr. Knox. The defendant was committed for trial at the next Sessions of the Central Criminal Court, but admitted to bail.

Cook had become a man of very considerable wealth, and he had a son in the army, commanding one of Her Majesty's regiments of infantry. The money-lender, indeed, had attained to a very respectable position, and he kept up a large establishment in one of the most fashionable squares in the West End.

While I was opening the case before the magistrate, I could not help remembering under what different circumstances the defendant and I had met previously ; and it was easy to see that his memory, as to the events alluded to, was as vivid as my own. The case was ultimately tried before the Common Serjeant. I conducted the prosecution, while Serjeant Ballantine and Messrs. Metcalfe and Poland were counsel for the defence. The story was a very painful one. The prosecutrix stated that she was a widow, and that her late husband had had some financial dealings with the defendant. Five children were left upon her hands. Shortly after her husband's death, she came up to London to ask the defendant's advice on some monetary matters. She brought with her a policy of insurance

for £250 on her husband's life. Cook, it appeared, after expressing his deep regret at the loss she had sustained, said, in reference to the policy: "Leave this with me, and I will get the money for you, free of expense." She did as he desired. This happened somewhere about May, 1868. She went to him again on the 10th of December. Her little boy at the time was very ill, and dying. She begged him to give her some of the money. He gave her a cheque for £50, and made her sign a deed assigning over the policy to him, the consideration money appearing on the face of it to be £200. She was also induced to sign several other papers. When Cook gave her the £50, he told her to be very careful of it, as money was very slippery, and soon passed through the hands. She deposed that she did not know at the time that she was making an absolute conveyance of the policy. Had she imagined that the document placed before her was in the nature of an absolute conveyance, she would not have signed it. At the next interview she had with him, she asked for some more money, and, after some conversation, he gave her a cheque for £10. On this and other occasions she kept asking why she did not receive the £200 due to her. He was always very much annoyed when she asked him for money, and finally told her that the whole of the balance had been absorbed in expenses, and that he could not give her anything more. She deposed that she became miserably poor, and that, when Christmas Day came, she had not a



scrap of food for dinner. She applied again to Cook, and he said that he was very sorry, but that he could not help her. All that she had received for the policy was £65.

The unfortunate lady was severely cross-examined by Ballantine, but he failed to elicit from her anything that could be of service to his client. Other evidence was adduced on behalf of the prosecution, and, Ballantine having made his speech, I rose to reply. I did so with a vengeance, and when I came to draw a picture of the helpless widow with her starving children; of the appeal made to the money-lender to obtain a few shillings with which to buy a Christmas dinner; of how this appeal had been met; and of how, like a spider, this usurer and extortioner had lured the unfortunate fly into his web—when, I say, I drew this picture, I could see, from the demeanour of the jury, what the result would be.

I had noticed that while I was addressing the jury, astonishment was written large on the Serjeant's face. When I resumed my seat, he turned to me, and said: "My dear Montagu, you've been desperately hard on that man. I never heard you conduct a prosecution in that way before." I could not help replying: "Indeed! Well, the truth is, I had a little account to settle with that gentleman myself."

After the Judge had summed up, the jury returned a verdict of "Guilty;" and the accused was sentenced to twelve months' imprisonment.

I should mention that when, on arriving at the Old Bailey that morning, I passed through the courtyard

where the Lord Mayor and Sheriffs alight, I saw there a magnificent carriage, to which was harnessed a pair of splendid horses, and from which I observed my old friend Robert Cook descend. The trial finished late in the afternoon, and, as I retraced my steps through the courtyard to proceed home, I again saw the magnificent carriage standing there. The coachman had been instructed to return and fetch his master. The vehicle, however, drove away empty.

A month or so after the trial a petition was prepared for presentation to the Home Secretary, praying for a mitigation of the sentence passed on Robert Cook, on the ground of his ill-health. His son called upon me at my chambers, in a state of terrible distress, and asked me to add my name to the signatories. I did so; and in about two months' time the prisoner was liberated.

It was during the same session that I was retained as prosecuting counsel in a rather remarkable case of murder, tried before Mr. Justice Byles. It was known as the Wood Green murder. The prisoner, whose name was Frederick Hinson, was defended by Dr. Kenealy, Q.C., and Mr. Warner Sleight. Hinson was indicted for the wilful murder of Maria Death, who had been living with him as his wife for eight or nine years. She had had six children by him. Hinson had been very much attached to the deceased, and was a sober and industrious man. He had always regarded her as his wife, and treated her as such.

One day the woman went to London with a man named Boyd, who was a neighbour of theirs. They had returned between five and six o'clock. It appeared that the prisoner, rightly or wrongly, was very jealous of Boyd. Soon after the woman's return, she was seen running along the roadway, the prisoner being in pursuit of her. Overtaking her, he caught her by the waist, and took her towards Nella Cottage, where they resided. On arriving there, they entered, and presently the report of firearms was heard, accompanied by a scream. The two were perceived at the bottom of their garden; the poor woman was seen to fall, and the sound of blows was heard. The prisoner was then observed, a gun-barrel in his hand, coming from the spot. He left the cottage, saying:

"I have shot her—there is no mistake. I will now kill the other."

He was seen to proceed, still with the barrel in his hand, towards the cottage that was occupied by Boyd. The prisoner entered the dwelling, and presently he came out again, saying:

"He is dead enough. That's what happens when a man goes with another man's wife. Where are the police?"

On the cottage being subsequently entered, Boyd was found lying dead upon the floor, his head being literally smashed in.

Hinson was taken into custody at his own residence. He was found kneeling by the body of the dead woman.

A constable said: "Who did it?" The prisoner replied: "I did." He walked quietly to the Police Station.

Hinson's advocate did all he could, but the evidence was most conclusive, and the prisoner was eventually sentenced to death.

It was a custom in those days for the Lord Mayor and Sheriffs to give a dinner every Monday and Wednesday during the time that the Sessions were held, at the Central Criminal Court. The meal was a very sumptuous one, especially upon the Wednesdays, for then Her Majesty's Judges, who had attended the Sessions, were the principal guests. The City Judges and leading members of the Bar were always invited, as well as any distinguished men—and there were always some such—who had business at the Sessions. The chaplain-in-ordinary at Newgate, was a stout, sensual-looking man, who seemed as though he were literally saturated with City feasts. Arrayed in his clerical robes, it was part of his duty, when the solemn sentence of death was pronounced by the Judge, to utter the last word: "Amen." It frequently happened—as it did upon the occasion of the trial of Frederick Hinson—that the Jury retired to consider their verdict, at about five o'clock, or half-past, in the afternoon, which was the hour at which the dinners to which I have alluded were given. The Judges, counsel, and guests, would repair upstairs to these prandial entertainments, and would frequently be called down in the middle of their repast for the sentence of death

to be passed upon some wretched criminal. When the death sentence had been pronounced upon the man Hinson, and as we were all retracing our steps to the dining-room, the chaplain-in-ordinary turned to me, and, in a voice that was broken, though not with emotion, said: "Well, Williams, so you've bagged your bird." I must confess that I was horrified. This person was a very different man from his successor, Mr. Jones, who destroyed his health and utterly broke down under the severe strain which his duties as prison chaplain imposed upon him.

A trial took place about which I got considerably chaffed. It was the trial of Martha Torpey, for a jewel robbery. It took place before Mr. Russell Gurney. Messrs. Metcalfe and Straight conducted the prosecution, while I, with Mr. Horace Brown as my junior, conducted the defence.

The prisoner, a very good-looking, engaging woman, was exceedingly well dressed. She carried in her arms a very pretty baby, only a few months old; and I think that this interesting little person had a good deal to do with the subsequent finding of the jury. I was chaffed because it was said that the theatrical effect in the dock had been arranged by me. As a matter of fact, I had had nothing to do with it.

The evidence went to show that an assistant from a firm of jewellers in Bond Street, in consequence of a message received at the shop, went to 4, Upper Berkeley Street, taking with him five or six thousand.

pounds' worth of jewellery. The door was opened by the gentleman who had called at the shop, and who had given his name as Mark Tyrell. He apologised for the absence of his servant, and at once showed the assistant into a room on the ground-floor, whence the two afterwards proceeded to the drawing-room. A photograph of the man was produced in Court. It was alleged to be a photograph of the man Mark Tyrell, who, however, turned out to be Torpey, the prisoner's husband.

It appeared that, when the assistant entered the drawing-room, he saw the prisoner sitting there by the fire. She remained seated while he took out of his bag the jewellery that he had brought with him, and which included a necklace of the value of £1,100. The man admired this necklace, and said that he should like his wife to have it, as well as other articles. More jewellery, to the value of £2,600, was extracted from the bag and placed upon the table. Torpey turned to his wife and said: "I think your sister ought to see these things. Go and fetch her." She left the room and returned in a few minutes, remarking that her sister would be down in a moment. She then went quickly up to the assistant, and, getting behind him, placed a handkerchief saturated with something over his face and mouth. Torpey simultaneously rushed forward and seized him, exclaiming: "If you move, I will murder you." In giving his evidence the assistant stated that he "then went off into a

kind of trance." On partially regaining consciousness, he found that a couple of straps had been fastened over his body, and that a cloth was tied over his eyes. He heard the man say: "Quick, Lucy, give me my hat." The next minute the street-door slammed. After a little while, he managed to remove the straps and bandage, whereupon he broke the window and called for assistance.

It appeared that the prisoner had engaged the premises by means of false references. At the time of the robbery, according to the assistant, she was most fashionably attired. Her arrest took place at Southampton. All efforts to trace the husband had been unsuccessful.

At the conclusion of the case for the prosecution, I submitted that the fact of the prisoner being indicted, not as a *femme sole*, but as the wife of Torpey, rendered it unnecessary for me to call witnesses to prove the marriage; and that, as she had acted in the presence, and therefore under the compulsion, of her husband, she was, according to the authorities, entitled to an acquittal. A long legal discussion took place upon the point. The other side contended that as the prisoner had committed violence in placing the handkerchief over the assistant's mouth, she must be held responsible for the act, in spite of the fact that her husband was present. The Recorder ruled that it would be necessary for me to prove that the woman acted under her husband's compulsion. I therefore proceeded to address

the jury, strongly commenting on the cowardice of the man who had fled from justice, leaving his wife with a helpless little infant in her arms, to bear the brunt of the robbery which he had planned, and of which he was no doubt at that very moment enjoying the proceeds. The more eloquent I grew, the louder the prisoner sobbed and cried. I thought at the time that this grief was in consequence of the picture I was painting of the brutal husband ; but I subsequently learnt from the solicitor that she was grieved because of the abuse I was showering upon the partner of her life, of whom she was exceedingly fond. The woman received a very good character, and the jury expressed their belief that the whole thing had been prearranged by the husband, and that the prisoner had acted under his coercion, and therefore was not guilty. The case created a great stir, and was mentioned in Parliament with a view to a change being made in the law.

At a subsequent session, in the same year, a somewhat curious trial for murder took place. The crime arose out of a burglary, and this is, according to my observation, a very rare occurrence. Your burglar as a rule does not kill. So long as he confines himself to theft, he knows that the worst he can suffer is a term of penal servitude, and he is by no means willing to risk his neck.

The case I am about to mention affords, as I have said, an exception to the rule just alluded to. Two men, Campbell and Galbraith, were indicted for the



wilful murder of a man named Galloway. Messrs. Poland and Beasley conducted the case for the Crown on behalf of the Treasury authorities; I defended Campbell; and Mr. Warner Sleigh represented Galbraith. The Judge was Mr. Justice Lush, and the case was known as the Stratford murder. The deceased had lived with his wife and niece at Oxford Villa, Ilford Road.

A great deal of evidence was taken, and the principal question in dispute was one of identity. The prosecution endeavoured to show that the prisoners had been seen in the immediate neighbourhood of Oxford Villa on the night of the outrage. Among other things stated by the witnesses was that, on the day in question, Campbell was observed climbing up the portico of the house, and peering into the front garden. He was a very peculiar man in appearance, and several witnesses identified him by the mark or hole under his left eye. The evidence against Galbraith was very weak, and so far as he was concerned, the case was stopped before the prosecution was closed. The principal witness to the murder was the dead man's wife, and anything more painful than her presence in the box has never come under my notice. She was labouring under great emotion, and all she kept saying was: "He had a scar on his face." Every one turned as she said this towards the prisoner, and there the scar was, sure enough. It was of course damning evidence. On somewhat regaining her composure, she stated that her husband, having retired

from business, was living on his means. On the night in question, having securely fastened all the doors, they went upstairs to go to bed. On a sudden they heard a noise, which caused them some alarm. Her husband went downstairs, and in a few minutes she followed him. The street-door was open, and she went out into the road, where she found her husband having high words with two men. He was accusing them of attempting to break into his house. She was positive that Campbell was one of the two men. She looked around anxiously for a policeman, and when she turned her eyes once more upon the disputants, she perceived Campbell draw an instrument from his breast. He drew back as if to take aim, and then she saw the instrument strike her husband in the eye. The injured man, with an exclamation, staggered backwards, and fell to the ground. The two burglars then ran away in the direction of Ilford, and, on passing a lamp-post, Campbell halted for a moment and looked round. Immediately an alarm was raised, the neighbours came out into the roadway, and the injured man was conveyed into the house, where he died before the arrival of a surgeon. The witness went on to say that, shortly afterwards, she went to the police-station and saw a number of men together. Among the number she identified Campbell.

The unfortunate lady was in such terrible grief, that I hesitated as to what course I should adopt in regard to her. Finally I decided to put no questions

to her. Fortunately, however, for the ends of justice, she was not allowed to leave the box at once. The Judge asked her whether or no she was absolutely certain that Campbell was the man she had seen attack her husband, and she answered: "We lived together happily for years. I saw the man who killed him. Do you think it possible, my lord, that I should ever forget that face?" The argument indeed was conclusive.

In the end, Campbell was found guilty. Upon being asked by the Clerk of Arraignment whether he had anything to say why sentence of death should not be passed upon him, he replied: "My lord, I must acknowledge I have been justly found guilty. I never intended to strike him in the eye; the blow was made for his shoulder, for at that moment he was holding my mate. He must have moved, and received the blow in his eye. I am sorry for it, and I hope that God will forgive me."

## CHAPTER XXIV.

INGENUI VULTUS PUER.

C. W. Mathews: the best pupil I ever had—"Faithful William"—  
The work a counsel in large practice has to do—Story of two  
Jews who raised my fee—They expected a "nice long day"—  
I discover a legal flaw, and their friend is promptly acquitted—  
They are disappointed—"Flash Fred"—He is charged with  
forgery, and I defend him—His running comments during the  
case—He forgets the second indictment, but the Bench doesn't—  
How "Flash Fred" got a railway ticket for nothing—Rumour  
associates him with the theft of Lord Hastings' betting-book—  
Remarkable speech by a Queen's Counsel—The countrymen in  
the jury-box commence to weep—"We finds for Muster C——."

At the latter end of 1868 the very best pupil I ever had came into my chambers. It was C. W. Mathews. Some little while before, when I had been only a few years at the Bar, Charles Mathews, with whom I had been on intimate terms for a long period, spoke to me about his boy, who was then at Eton. He said: "I mean to send him to the Bar. I think he is very smart and will do well, but I want you to grant me a favour, and, as we are very old friends, I think you'll do it. His mother and I have been talking over his future, and we have decided that we should like him to go

into your chambers. Will you take 'him?" As a matter of course my reply to an old friend was in the affirmative. I do not think that young Mathews has altered in appearance from that day to this. He was then quite an old-fashioned little gentleman, but with all the manner and tone which I have always considered peculiar to Eton.

He remained with me until 1879, and, as what is termed a "devil," was of the greatest possible service to me. In this book I had not intended to say much about those who are still practising, but I must break my rule in this particular instance. I always predicted of young Mathews that he would take a foremost place in his profession, and from what I have gathered, during the last two years, my prophecy seems to be in a fair way of being fulfilled.

I really believe that young Mathews could tell more about me than I am able to do myself, for he was my *alter ego*. I am bound to say that any kindness I may have shown to him in the past, was amply repaid by the tender friendship that he showed me in the misfortune that befell me in 1886.

My pupils generally turned out well, but I think I may say that young Mathews was the best of the lot. I often think of a story that he tells about a case that took place soon after he was called to the Bar, and at a time when I was in very large practice. It was a case of conspiracy, in which two Jews were associated with the defendant. I had been very much harassed one day

at the Central Criminal Court. I may say, indeed, that no one who is not in the swim can have any conception of the amount of work and worry that devolves upon a counsel in leading practice at the criminal Bar. He has to be at chambers at nine o'clock in the morning, and, an hour later, he has to be at his post. Several Courts sit simultaneously, and possibly he has a case going on in each of them at the same time. He has to do the best he can, with the assistance of juniors and "devils." In one Court, perhaps, he will open the case, in the next, cross-examine the principal witness, in the third, make the speech for the defence; and all this while he has to keep in touch with the various cases, and from time to time make himself acquainted with the course they are taking. When the Courts adjourn at five, he returns to chambers for consultations, etc., which occupy him probably until half-past seven o'clock, when he rushes home to snatch a hasty dinner, after which he reads his briefs for the following day. Sometimes he has to keep up half the night perusing his papers, and, not unfrequently, when he gets to bed, his brain is too much occupied to allow him to sleep.

It was after a particularly busy day that the incidents occurred to which I am about to allude. I was sitting at my desk reading one brief, while Mathews and a fellow-devil were noting up another. My second clerk, who had been with me since he was a lad of twelve, was named William, and in regard to him I

may remark, in passing, that a better assistant no man ever had. I always used to call him "Faithful William."

On the night in question, he came to me with a brief in his hand, and said :

"Case to come on to-morrow morning. Mr. — the solicitor" (mentioning the name), "is outside with his clients. They are two Jews, and they want to have a conference at once and attend it personally."

I was full up for the morning, but I looked at that which always catches the barrister's eye, namely, the endorsement of the fee on the brief, and perceiving that the figure was not a very large one—eight guineas, if I remember aright—I said :

"Take it back. Let somebody else have it. I can't do it, I haven't the time."

William left the room, but in a short time returned. In his absence I had heard a conversation going on in the clerk's room which grew louder and louder. William said :

"Will you see them, sir?"

I replied :

"Certainly not; what do they want? I have already told you I'll have nothing to do with it. The size of the brief is anything but commensurate with the size of the fee."

"Well, sir," William said; "I don't think it's a question of money. I think, if you will allow me to suggest a proper fee for such a brief, the matter

will be settled. It will be parting with their heart's blood, but I think they will do it."

Turning round wearily, I said :

"Do what you like," whereupon he left the room.

Presently he returned with the brief, the "eight guineas" having been erased, and a much larger figure put in its place.

"Well," I said, "what is the meaning of this?"

"It's all right, sir," he said, "the cheque has been paid, but you must see them. Shall I show them in?"

I assented, and the next minute William ushered the two Jews and the solicitor into my presence. The former were very polished gentlemen as far as grease went.

My visitors having sat down, I perceived that the alteration on the brief had apparently had a considerable effect upon them, for they were as pale as death. I went through the papers hurriedly. It was the old story—fraud, conspiracy, and false pretences. Owing to the rapidity with which I had to run through the brief, I could gather but a small insight into the matter. Therefore, when the two Jews, who had been watching me intently, asked, eagerly :

"What do you think of it, sir?"

I replied :

"Well, I really don't know what to say. When is the case to be tried?"

"It's the first one for to-morrow, sir," they answered.



“Very well,” I said, “I’ll take the papers home with me, and you had better instruct your solicitor to have a further talk over the matter in the morning; say at 9.30. I must have a junior. It’s quite impossible for me to be in this particular Court during the whole of the time. I can be there when the case is opened on behalf of the prosecution, but I must have somebody to watch the witnesses, and, if necessary, cross-examine them. All I can undertake to do is to make the speech.”

“Who shall we have, sir?” said one of the Jews; “there is so little time.”

It is contrary to etiquette at the Bar, for counsel to name their own juniors; nevertheless, somehow or other, before the Jews left, my young friend Mathews had been instructed as my junior. I think it was one of his first briefs.

After the departure of my visitors, I begged Mathews to run through the papers as well as he could that night. There had, of course, been no time to prepare a second brief, so I lent him mine, with instructions to come to me at half-past eight on the following morning and put me in possession of the main facts.

Mathews did as I directed. He had evidently taken a great deal of pains about the matter, for he had made a most exhaustive summary of the whole case. On going into it, I perceived that there was an absence of technical proof, and that, upon this rock, the prosecution

would undoubtedly split. We went into Court, and there found the two Hebrew gentlemen, who had secured seats behind those reserved for the counsel.

Almost as soon as the prisoner had been given in charge of the jury, the usher came to tell me that I must go at once into another Court. As I hurried away, the countenances of the two individuals just referred to, were a perfect marvel. I knew quite well that the case was safe in the hands of my junior.

He subsequently told me that he overheard one Jew say to the other: “We’re going to have a nice long day to-day,” whereupon the other replied: “So we ought—we’ve paid for it.”

The case proceeded, and as I knew exactly what was going to occur, I did not bother my head about it. Before leaving, I told Mathews to send for me as soon as the case for the prosecution had closed. In due time I received his message, and came into Court. The present Recorder, then Common Serjeant, was trying the case—which circumstance gave me some satisfaction, for I knew that, among his numerous good qualities as a Judge, he possessed a most technical mind. I rose, and said: “My lord, there is no evidence to go to the jury;” and I proceeded to state my objection. The Common Serjeant listened patiently, and when I had finished, said, with a smile (for it was a gross case of fraud): “Well, Mr. Poland” (for he was prosecuting) “what do you say to this?” No one in the world was more capable of getting out of a difficulty than my

learned friend ; but it was of no use. His lordship looked at me, and said : “ Well, Mr. Williams, I am afraid your objection is fatal.” Then he turned to the jury, and observed : “ Gentlemen, you possibly won’t understand what has been going on. There is a legal difficulty in the way. The learned counsel for the prisoner has taken an objection, and I am bound to say, much as I regret it, it is a fatal one ; and it is your duty—regardless of your conviction—under my direction, for it is a matter entirely for me, to return a verdict of ‘ Not Guilty.’ I confess,” he added, mopping his eyes, “ I’m exceedingly sorry, for a grosser case of fraud during the whole of my experience, both as counsel and Judge, which extends over a great number of years, I have never known ; but my duty is plain, and so is yours, and you must return a verdict, if you please, of ‘ Not Guilty.’ ” The jury, instead of at once obeying this mandate, turned round in the box and held a consultation. The Judge, who was never guilty of wasting time, then addressed himself to the foreman as follows : “ You and the jury must take the law from me, much as you may regret it, and much as everybody must regret it. I am bound to tell you again that you have nothing at all to do with it. I direct you in law to say that the prisoner is ‘ Not Guilty.’ ” Upon this, but with considerable reluctance, and with a face that certainly was not beaming with pleasure, the foreman did as he was directed.

The case having thus ended prematurely, I heard

one of the Jews say to the other: "Call this a long day? Upon my soul, but we've been swindled." They evidently thought nothing of the acquittal of their friend. The mind of the Jew was, as usual, hankering after the money and the money's worth.

It was somewhere about this time that a case occurred which was somewhat remarkable, not so much on account of the facts involved, as from the character of the individual who was principally concerned. This was a man very well known about London. His name was Frederick Fraser, and on the racecourses, and in the various fast quarters about town, he was known as "Flash Fred." He was charged with forgery, and I appeared as his counsel. In spite of the delinquencies of this person, I confess I took a considerable interest in him. This certainly did not arise from admiration of his character—for a greater rascal never lived—but there was something about him which influenced one.

There were two indictments against the accused. The principal one, and that upon which he was first tried, was that of forging the name of Captain Candy, well known then, as he still is, by the sobriquet of "Sugar."

The prisoner appeared in the dock dressed in the height of fashion. He was exceedingly good-looking, and would have passed anywhere as one of the youthful sparks of the day. The case having been opened for the prosecution, witnesses were called, and their testimony being pretty conclusive as against my client, I was

instructed to put into the box a great deal of evidence as to his character. That such witnesses should have been forthcoming may, on the face of it, strike the reader as a curious circumstance; but perhaps I shall throw some light upon the mystery when I mention that those who entered the box were, for the most part, tailors from Bond Street, Clifford Street, Conduit Street, and other thoroughfares in the West End.

I struggled hard, but the odds were terribly against me. Nevertheless, when I sat down, after delivering my speech, I fancied I had made some impression upon the jury. They duly retired to consider their verdict.

I was sitting in my customary seat underneath the dock, and the prisoner leant over to me and said: "Mr. Montagu, do you think I have a thousand to one chance?" Turning round to him, I replied: "No." When an hour or so had elapsed, and no verdict had been returned, he again leant over towards me and said: "I think it's a ten to one chance now." At last the jurymen returned, and upon their faces there was not that expression of sad sternness which so frequently heralds a verdict adverse to the prisoner. While they were taking their places, the accused leant over to me for the third time, and quietly remarked: "Sir, it's six to four on me now."

He was right; for a verdict of "Not Guilty" was returned. "Flash Fred's" face beamed with delight, and he surprised everybody by his immediate preparations to leave the dock. In this, however, of course he

was a little premature. It is not every prisoner who would forget that there was a second indictment against him ; but "Flash Fred's" memory was evidently not his strong point. He was arraigned again, and the case was duly proceeded with. The second barrel in these cases is usually deadly. The trial was a lengthy one, and the jury again retired. This time, when they returned into Court, it was with a verdict of "Guilty."

Not addressing me, but apparently soliloquising, I overheard the convicted man murmur to himself: "Shocking bad luck—beat by a head." However this might be, the whimsical occupant of the dock was sentenced to five years' penal servitude.

In this connection I may relate another anecdote of "Flash Fred." About a year before the trial to which I have just referred, he was at the booking-office of the South-Western terminus, about to take his ticket for Chichester, he being desirous of attending the Goodwood Races. He occupied a rearward position in the long line of persons pressing forward to the ticket-hole, and it chanced that, some little way in front of him, stood George Payne. "Flash Fred" leant forward, and touching that gentleman on the shoulder, exclaimed: "Awful crowd behind here, George! Take a ticket for me, please." Mr. Payne, being unable, owing to the crowd, to see who it was that had addressed him, and never doubting that it was a friend of his, took an extra ticket, and handed it to the outstretched arm over the people's heads. The arm might have been again out-

stretched to convey the necessary coin to the purchaser of the ticket; but this is not what took place. Mr. Payne heard a voice say: "Thank you, George. Ta, ta! See you at Goodwood;" and he then perceived a man, disengaging himself from the crowd, disappear through a gateway.

According to current report it was "Flash Fred" who, when the Marquis of Hastings had a big winning account on the Derby, stole his lordship's betting-book from his pocket. The thief, whoever he was, knew that there were many thousands coming to the Marquis, and that he could not settle without his book. Nothing was heard of the stolen property until a reward of £500 was offered, and then it was restored to its owner, in return for that sum, on the condition that no questions should be asked.

It is remarkable what the personal influence of counsel will do with the jury, especially in the country. On one occasion I went down to Worcester on the Oxford Circuit. They were not my Sessions, but I was specially retained. While I was waiting for my case to come on, I witnessed a striking illustration of the truth of that which I have just said. The leader of the Sessions was Mr. C——, who was afterwards County Court Judge, and has since retired. These were the last Sessions in the county that he would attend, for he had just been made a Queen's Counsel. For a number of years he had been a leading man in the county, and he was a favourite with all classes.

C—— was defending a man for horse-stealing, and the evidence against the accused was of the most damning character. He had been seen in the immediate neighbourhood of the field from which the horse was stolen, shortly before the theft took place; he was seen driving the animal from the spot; and he was further identified as the man who subsequently sold the beast at Wycombe Fair. At the close of the prosecution, C—— addressed the jury in something like the following terms: "Gentlemen, I have been among you for a great many years. I was born in your county, and my people were with you for two or three generations. You have always been friendly with me, man and boy, and I don't think I have ever had an angry word with any of you. A change has now come over my life. Her Majesty has sent for me to make me one of her own counsel." The jurymen sat with open mouths, evidently under the impression that their favourite was about to be summoned to Buckingham Palace, Windsor Castle, or some other Royal residence, to have a *tête-à-tête* with the Queen. Continuing, C—— said: "I shall never address you again. This is the last time my voice will be heard in your ancient hall." From the display of pocket-handkerchiefs at this point, I am under the impression that one or two of the jurymen were in tears. "Let us part," said the learned counsel, "as we have always been—the best of friends;" and without saying one single word as to the merits of the case before the jury, he sat down. The Chairman of the



Quarter Sessions, in the due discharge of his duty, addressed himself to the evidence, ignoring entirely the observations that had fallen from the learned counsel for the defence. The jury put their heads together, and, after barely a moment's deliberation, turned round again. The foreman, with a peculiar shake of his head, said: "We finds for Muster C——." The Chairman informed the jury that their verdict must be either one of "Guilty" or "Not Guilty" as against the prisoner; whereupon, without waiting for their foreman, they all shouted out with one accord: "'Not Guilty,' sir." The prisoner was accordingly duly released.

## CHAPTER XXV.

### AURI SACRA FAMES.

I become a member of the Garrick Club—Sir Charles Taylor—An amateur music-hall performance—H. J. Byron and his troupe of performing dogs—*The Taily Tailygraph*—The crime of dogicide—Another election petition—Astounding allegations—I get worn out and determine to go fishing—All the others insist upon coming—My client couldn't fish, and wouldn't let me—A midnight consultation—Exciting chase after an eaves-dropper—We determine to throw up the sponge—I go to bed and have a troubled dream—A frilled night-shirt—"When you meet your client in h—ll," etc.

IN 1873 I became a member of the Garrick Club, where I had been a frequent visitor previously. I remember the days of the old building, when Thackeray, Dickens, Albert Smith, Arcedeckne, "Assassin Smith," and Benjamin Webster, were members; and a very jovial place it was. The new premises were designed by one of the members, Nelson; and a curious circumstance was that, when the structure was nearly completed, it was discovered that the architect had forgotten all about the kitchens. When I joined, the principal man in the club was Sir Charles Taylor.

I am bound to say that he had done a great deal for the institution, by giving it financial assistance before debentures were raised and issued; and in point of fact, he rather ruled the establishment. There are a great many persons living who will remember Sir Charles. His appearance was peculiar, being suggestive of one of the parrot tribe. He was rather overbearing in his manner, especially to those whom he considered beneath him socially.

One day, on entering the club, he came across Dallas—then a well-known man on *The Times*—eating his lunch.

“Well, my penny-a-liner,” said Sir Charles, “and how are you?”

Quick as lightning, Dallas replied:

“Quite well, thank you, you one-eyed macaw.”

Every one who remembers Sir Charles Taylor will understand the allusion.

The Garrick has always been, and still is, the cheeriest of clubs. Of late years a novelty has been introduced into the customs there, principally in the interests of the actors—for the leading members of the dramatic profession belong to the Garrick. The custom to which I allude is that of giving supper in the strangers' room, where one can take friends up to an early hour in the morning.

The Garrick is the favourite haunt of Henry Irving, Toole, and a number of others who are not

in the habit of counting the hours as they fly by night.

Somewhere about the period when the trials to which I have recently been alluding took place, I assisted at one of the most jovial entertainments that I ever remember. An amateur music-hall performance took place at Woburn Lodge—the house of my friends, Mr. and Mrs. Edward Lawson. The lower part of the premises was turned into a hall, with a bar and grill-room adjoining—the latter being presided over by Spiers and Pond themselves; and three or four young ladies, dressed as barmaids, took charge of the refreshment-room. Beer-engines connected with the cellar, and the supper was arranged precisely after the model of Evans'. A regular stage was erected in the rooms that were turned into a hall. Mr. Lindsay Sloper, the pianist, was musical conductor. The chairman—seated at a mahogany table, hammer in hand—was Mr. Edward Lawson.

I will describe some of the principal items of the entertainment, so far as I can remember them. Poor H. J. Byron appeared as Professor Byron, with a troupe of performing dogs. They were small boys, borrowed, I imagine, from Drury Lane; and so artfully were they attired, that they made excellent specimens of the canine race. Byron appeared in fancy costume, with a whip in his hand. A number of cards, with something written upon each, were strewn about the stage, and after the faithful creatures had gone through

a number of performances—such as jumping through hoops, and over chairs—various questions were put to them, each of which they answered by picking up an appropriate card. Thus, one of the dogs was requested to state which paper he was in the habit of perusing, and he replied by picking up a piece of pasteboard on which was written "*The Taily Tailygraph*." Another question that I remember being put to one of these learned quadrupeds was: "If you were tried for dogicide, what Judge would you prefer to be tried by?" The card that was held up in response was inscribed with the name of "Mr. Commissioner Cur." There was a glee-company composed of Sir (then Mr.) Arthur Sullivan, Mr. Arthur Cecil, Freddy Clay, and Billy Pownall. I sang two comic songs, "Pretty Little Flora," and "Immensikoff." Douglas Straight sang "Angelina was very fond of Soldiers," and "Good-bye, John, don't be long, but come back soon to your poor little chick-a-biddy." My wife gave, "Pretty Little Topsy," and another ballad. Two songs were also sung by Mr. Albert Levy, "Come and be a Member of the Rollicking Rams," and "Champagne Charlie." Mr. Alfred Maddick favoured the company with a conjuring entertainment; while Shirley Brooks, the then editor of *Punch*, played the part among the audience of the dissatisfied visitor who was always finding fault with the performance. As will have been seen, I had, earlier in my career, had a good deal of theatrical experience; but I can honestly say that this was the

most successful entertainment at which I was ever present.

I have mentioned some election petitions in which I appeared, but there is one to which I have omitted to refer. This was the petition against —, who was the sitting Member for —. The case afforded me great amusement.

We were told that the trial was likely to last considerably over a week. It was summer-time, and this had been one of the hottest years that I ever remember. Good heavens! what a town. Of all the horrible places at which I have ever stayed, this was the most horrible. A number of us appeared on behalf of the sitting Member. My brother juniors and I were located at the principal hotel in the town, while our leader, Mr. —, pitched his temporary tabernacle at a town some few miles off. He had always had the character of being a remarkably crafty individual, and he proved the justice of the supposition on this occasion.

According to the allegations of the petitioners, gold had exchanged hands freely. If there was any truth, indeed, in the charges they brought forward, of all the corrupt boroughs that ever existed, — should certainly have taken the palm. The highest and the lowest were, it seemed, alike steeped in bribery. As for treating, well, it is no exaggeration to say that there could scarcely have been a single sober man in the town, from three weeks before the

election till six weeks after it. The "man in the moon" had shone most brilliantly in every hole and corner.

Mr. Justice Mellor was the Judge, and I think that even he, who had had considerable experience in election petitions, was astounded at what had, apparently, been taking place.

Though I was the junior of his juniors, it is my impression that our client depended very largely upon me. The reason for this would very likely be that I had known him and acted for him previously.

I was not in very good health at the time of the trial, and at the end of about the fifth day I felt utterly worn out. I positively longed to get out of the stifling atmosphere of —, and I eagerly sought an opportunity to do so. I had made friends with the landlord of the hotel, and as the result of some inquiries I put to him I learnt that, about four miles away, he had some ponds that were plentifully stocked with tench and carp. My delight was unbounded. Fancy! The prospect of green fields and trees; a fishing-rod in my hand; a pipe in my mouth; and a comfortable seat by the banks of a rustic pond! I arranged that, as soon as the Court rose that afternoon, a brake should be ready for me, containing rods, lines, and all the other necessary appurtenances; and I stipulated that my intentions should be kept a profound secret from my colleagues. Immediately the

Court rose, I gave every one the slip, and, having arrayed myself in flannels, proceeded to the spot where it had been arranged the brake should await me. Judge of my disgust when, on approaching the vehicle, I encountered the sitting Member, his solicitor, and the whole *posse comitatus*. "Where are you going?" they all cried, "in this costume, too!" Well, I tried to prevaricate, but I couldn't; and I had to confess what were my intentions. With one accord they all shouted, "We'll come, too!" Good heavens! this was precisely what I had been endeavouring to avoid. "Impossible," I said, "without tackle;" to which my client replied, "Oh, we can buy all that." (Of course, he was a City man, very rich, and thought he could buy everything.) "Well," I said, "I can't wait; I'm off;" and, with an expression upon my face the reverse of amiable, I jumped into the brake, and was driven away.

The spot to which I was conveyed was very lovely, as, indeed, was the country through which I had driven. No smoke, no din; nothing but fresh air and charming landscape. The pond itself, as well as being picturesque, was, from the angler's point of view, a most seductive one. I had brought plenty of bait, and forthwith commenced operations. My initial efforts were crowned with success, for only a few minutes had elapsed before a splendid tench, weighing about two pounds, lay upon the bank by my side. In a word, I was getting on very smoothly.

Thus happily was I absorbed when I was rudely



aroused. The landlord of the hotel had driven me over, and suddenly I heard him say: "Look you there, sir; here they come," and, to my horror, I perceived two waggonettes—containing all those from whom I had so longed to separate myself for a while—rapidly approaching. Never before had I knocked the ashes out of my pipe so savagely as I did now. Here, then, was an end to all enjoyment.

The whole party having alighted, the servants they had brought with them proceeded to open a number of hampers stuffed with bottles of champagne and other luxuries. Very pleasant, no doubt, under given circumstances, but these were among the very things that I was anxious to get away from.

The dainties having been duly arranged on the bank, the sitting Member began to fish. I don't think he had ever had a rod in his hand before. He did not get his line into the water at all; it went to the blackberry bushes. I am not given to using bad language, but I don't think I should like to put down here all the phrases that ran through my head. My client could not fish himself, and so he wouldn't let me. Just at the very moment when I was about, I fancy, to have another tench, he came up to me, settled himself comfortably by my side, and began (Heaven give me patience!) to talk about the trial. Well, fishing was of course out of the question; so, in a towering passion, I flung down the rod.

A few days afterwards, matters in Court began to be very serious indeed. The case for the petitioner was closed, and it had become a question whether the mayor, one of the aldermen, and most of the leading tradesmen in the borough had not been guilty of bribery and treating. On the evening of the day on which matters came to a climax, my *confrères* and I—in the absence of our leader, who had hurried off to — immediately the Court rose—put our heads together with a view to deciding what course it would be best to pursue under the circumstances. As we had dined early, we were able to commence our consultation at eight o'clock; and we decided to sit up far into the night if necessary. We determined that proofs of our witnesses should be taken in a room adjoining the one we occupied, and that they should afterwards be brought to us. Our fear was for the men who were to be called to give evidence, for it was obvious that, in a borough where political feeling ran so high, if they swore to facts that were untrue, they would eventually be indicted for perjury. After we had proceeded with our task for some time, it was made quite manifest to us that the only thing to be done was at once to throw up the sponge, and resign the seat on behalf of our client.

My client and I sat up talking after the others had gone to bed. The truth is, he would not part with me. There we sat until one in the morning. He was very much averse to resigning the seat, and we

were talking the matter over in disagreement, and in rather loud tones. Suddenly he jumped up from his seat on the sofa, and, placing his fingers on his lips, whispered :

“Hush! There’s somebody outside.”

I ran towards the door, and, as I caught hold of the handle, I distinctly heard the sound of some one scrambling over the banisters and jumping upon the stones below.

There were several candles in the room. I seized one, and told my companion to follow my example.

“Everything that has been going on here has been overheard,” I exclaimed ; and, saying that, I rushed from the room and down the stairs. Then I paused to listen. Everything was as silent as the grave. My friend had not followed me far. Candle in hand, he was leaning over the banisters, looking down anxiously upon me. I searched the kitchen, and the whole of the lower part of the house, but found no one. When I was beginning to think of relinquishing my fruitless search, I discovered a little doorway that had previously escaped my notice. I passed through this doorway, and found myself in a narrow passage which led into a little sort of back kitchen. There, seated in an arm-chair, before the dying’ embers of a fire, I found a man apparently asleep. Shaking him, I exclaimed :

“What are you doing here?” He rubbed his eyes, as though awaking from the soundest of slumbers. “That won’t do,” said I. “What were you doing

outside the door upstairs just now—listening? I distinctly heard you jump from the landing.”

The man protested his innocence again and again, and with every manifestation of virtuous indignation.

Meanwhile my client had come downstairs. Finding his way to the little back kitchen, he came and assisted me to interrogate the man before the fire. In a little while I went upstairs and called the landlord, and from what he was able to tell me, I decided that the individual I had discovered was none other than a spy from the enemy's camp. I had gone far enough—perhaps a little too far—in my zeal for the interests of my client; and I therefore left him and the landlord to settle with the intruder. I may here remark that the last-named was not seen during the further progress of the election petition. Goodness only knows what became of him.

I thought that, at any rate for that evening, my troubles were over; and I went to bed. Being pretty well worn to death, it was not long before I fell asleep. Then I had a troubled dream. I was industriously fighting the petition, facing obstacle after obstacle; and while thus engaged, I felt somebody's hand upon me. The next minute I had started from my sleep and was sitting up in bed, rubbing my eyes. A truly whimsical sight met my view. There was my little client standing by my bedside, in a frilled night-shirt. I know well that the vision will never fade from my mind's eye.

“Good Heavens!” I cried. “Do let me have some sleep.”

“No,” he said. “I’ve been speaking to the landlord, and I’ve ordered a post-chaise, and you must start for — at once. There, if you keep a sharp look-out you’ll meet your leader on his way from —, and you must tell him what has happened, and that I’ve determined to retire from the contest.”

It was a good deal to ask of me; but I eventually consented to do what my client requested.

When the Judge took his place on the Bench that morning, my leader rose and said that, matters having come to the knowledge of the sitting Member of which he had previously been in complete ignorance, he had determined to vacate the seat. And thus the matter ended.

When dealing with the difficulties of cross-examination, I might have related an anecdote, *à propos* of the subject, about a Welsh advocate who subsequently became a Judge. The incident arose out of a trial for murder on circuit, at which he appeared, instructed by a country solicitor—one of the leading practitioners in the town where the case was heard. The counsel was a very peremptory little man, and during the cross-examination he declined to put a certain question to the witness that was suggested by the gentleman instructing him. The solicitor pressed him again and again on the point, but still he refused to comply with the request.

“Well, sir,” exclaimed the solicitor, at last; “these are my instructions, and mine is the responsibility. Therefore I insist upon your putting the question.”

“Very well, sir,” exclaimed the barrister, “I’ll put the question; but remember, as you say, yours is the responsibility.”

The question was put, and the result was that it contributed in a large degree to hanging the prisoner. The sentence having been pronounced, the barrister turned round in a fearful rage to the solicitor, and exclaimed:

“When you meet your client in h—ll, which you undoubtedly will, you will be kind enough to tell him that it was your question, and not mine.”

## CHAPTER XXVI.

### PER MARE PER TERRAS.

Risk Allah *v. The Daily Telegraph*—Taking evidence at Brussels—Risk Allah's remark about the coffee—I accompany the *Procureur Général* to a Belgian Court of Justice—He takes a pinch of snuff from one of the men he is prosecuting—Serjeant Parry opens his case—A difference between the legal procedure of the two countries—Risk Allah's history—Finding the dead body—The position taken up by the newspaper—Alleged accomplices in forgery—Parry defines the issue—Verdict.

IN June, 1868, a trial took place that for the time entirely absorbed public interest. It was the action brought by Risk Allah against the proprietors of *The Daily Telegraph* to recover damages for an alleged libel. The case, which was heard before Lord Chief Justice Cockburn and a special jury, commenced on the 14th, and occupied many days. The defendants pleaded "Not Guilty," and lodged a traverse of the innuendoes contained in the declaration. Mr. Serjeant Parry, Mr. Baker Greene, Mr. Butler Rigby, and Mr. Dumphy, appeared for the plaintiff; while Mr. Coleridge (now Chief Justice of England), Mr. Serjeant Ballantine,

Mr. (now Sir) Henry James, and myself, represented the defendants.

The libel was alleged to have been written by the special correspondent of the paper at Brussels, in giving an account of, and commenting on, a trial which had taken place in that city on the 22nd of October, and eight following days, and in which Risk Allah appeared as the defendant, being charged with the double crime of murder and forgery. The solicitors for the proprietors of *The Daily Telegraph* were Messrs. Lewis and Lewis, the case being specially entrusted to Mr. George Lewis, Junior.

Some months before the trial at Westminster, a commission was issued for the purpose of taking evidence at Brussels. Mr. Lewis and I proceeded there, on this commission, as the representatives of the newspaper, while Mr. Baker Greene journeyed thither in the interests of Risk Allah. We stayed at the "Hôtel de Flandre," where a large room was set apart for the purposes of the commission. The proceedings took place before a commissioner duly appointed by the Courts in England.

I shall give some idea of the quantity of evidence that was taken when I state that the commission occupied nearly three weeks. The plaintiff himself was present throughout the inquiry. He was a most remarkable man. His manners were exceedingly good, and, considering the enormity of the charges that had been brought against him, it must be admitted that



he took matters very easily. The inquiry was more like a reference than anything else.

The time at our disposal was so short, that we found it desirable, as a rule, instead of adjourning for meals, to have them served in the room where we were at work. One afternoon a curious incident arose out of this arrangement. I expressed a wish to have a cup of coffee, whereupon the bell was rung, and a waiter brought what I desired, and placed it on the table before me. I was at the moment busily engaged in cross-examining a witness, and Risk Allah, who was sitting by my side, very politely poured out the coffee for me. I turned suddenly round and saw him in the act, and I suppose there was something in the expression of my face that arrested his attention, for, with the sweetest possible smile on his face, he asked whether I took milk, and then, looking me hard in the face, added: "I assure you you need not be afraid, sir. I have put nothing in it."

The commission at length came to an end, and George Lewis and I returned to London, bringing with us the depositions that were to be used at the forthcoming trial in the Court of Queen's Bench. I confess that I enjoyed my stay in the Belgian capital. It is a charming place, and I have often determined to revisit it. While there, Mr. George Lewis and I received very great assistance from the *Procureur Général*, who had been the counsel for the prosecution at the trial for murder and forgery. Mr. Lewis had a letter of introduction

to him, and he showed us every kindness and hospitality. The new Palais de Justice, which, to judge from the picture of it I have seen, is one of the noblest and handsomest buildings in the town, was then unfinished, though even while in an incomplete condition, it gave promise of its future beauty. At that time, the Courts were held in a somewhat antiquated edifice. The *Procureur Général* conducted me there one day, so that I might have an opportunity of seeing how the law was administered in Belgium. On the occasion in question, he was prosecuting two men for fraudulent bankruptcy, and, in order that I might the more closely follow the proceedings, I was accommodated with a seat by his side.

Three Judges sat upon the Bench during the hearing of the case. The Court was so arranged that the dock—where the prisoners, by-the-bye, were comfortably seated—was immediately behind the bench at which the *Procureur Général* stood while he opened his case. In perhaps the most damning part of his accusation against the two defendants, one of them produced from his pocket a snuff-box, and took therefrom a huge pinch of snuff. As he did so, the *Procureur Général* turned round and, with a smile and the word "*Pardon,*" also took a pinch from the box; after which he concluded the sentence that had been for the moment interrupted. Imagine such a thing in an English Court of Justice! But they do strange things abroad.

In opening his case before the Chief Justice at

Westminster, Serjeant Parry characterised the narrative he was about to unfold as one of the most extraordinary that was ever listened to in a Court of Justice, fruitful as the Courts of all nations were in interest and romance. In a few preliminary sentences he called attention to the difference between legal procedure in this country and abroad. In England, Risk Allah could only have been tried for one of the crimes at a time, whereas, in Belgium and France, the *Procureur Général* could include in the *acte d'accusation* as many charges as he liked, however dissimilar they might be in character. Parry went on to say that, after the Belgium trial had lasted for nine days, and after seventy witnesses had been examined, his client had been triumphantly acquitted. All the leading foreign newspapers, English and otherwise, had been represented at that trial, and among the number *The Daily Telegraph*, which was, perhaps, the most influential organ in this country, and certainly the most widely read. The special correspondent of *The Daily Telegraph*, continued Parry, had all along in his reports, as would be seen when extracts came to be read, assumed the guilt of the accused, about whom, indeed, he had printed the grossest libels and calumnies. At the end of the trial, when the innocence of Risk Allah had been established and demonstrated, a leading article appeared in the paper actually reiterating all the charges, and containing, not exactly a bold statement that they were true, but innuendoes pointing unmistakably to

the conclusion that the writer believed Risk Allah to be a murderer and a forger.

Parry next addressed himself to the character of his client. By birth an Assyrian, he had been educated for the Greek Church. Altering his intentions as to the profession he would adopt, he came to England to study medicine, walked the hospitals, passed at the College of Surgeons, and became an associate of the medical school at King's College. Afterwards, during the Crimean War, he was appointed by the Duke of Newcastle, then Secretary for War, to the position of a medical officer on the staff of Omer Pasha; and, in recognition of his services, he was awarded the Crimean Medal of England and Turkey. Returning to this country in 1856, he at once married a widow of the name of Lewis. He simultaneously became acquainted with a young man named Charles Readley, who was, it was believed, the natural child of his wife's sister. Mrs. Lewis was possessed of a considerable fortune, and marriage settlements were prepared by which, *inter alia*, Readley was to be paid a sum of £5,000 upon attaining his majority. In 1859, Risk Allah's wife became ill, and, after going to Germany, to drink the waters, on the advice of Sir William Fergusson and Dr. Ramsbotham, she died.

Serjeant Parry next commented upon the fact that, in a Continental Court of Justice, when a particular accusation is brought against an individual, it is competent for the counsel for the prosecution to rake up

anything of a damaging character in the past life of that individual. "Accordingly," said the Serjeant, "in this *acte d'accusation* it was insinuated that Risk Allah had murdered his wife, and it was actually so stated by the Public Prosecutor at his trial; the charge being reiterated in the libels published in *The Daily Telegraph*. After his wife's death, Risk Allah of course came into possession of her property. Risk Allah had, in 1861, been appointed guardian of Charles Readley, by the Court of Chancery, and the young man being anxious to go to sea, went either to the East or West Indies; and in the *acte d'accusation*, they had actually charged Risk Allah with sending him there for the purpose of accomplishing his death. Readley subsequently returned to Spa, where he fell in love with a young lady of the name of Aikin. Risk Allah was anxious to promote the suit in every way; but Readley gambled, exceeded his income, and, in point of fact, was rapidly going to the bad. It was alleged that, in 1865, Mrs. Aikin, the mother, showed herself averse to the match, and was determined to break it off. This seemed to make a deep impression upon the mind of the young man, and events culminated in the terrible deed which closed his career. On the morning of the 30th of March, 1865, he was found shot in his bedroom, the bullet having passed from the left-hand side of the jaw to the right ear. The chambermaid had seen him asleep in bed at seven o'clock. That same morning, Risk Allah was called early, and, at half-past seven he was seen coming downstairs and going

out of the hotel ; and he did not return until past nine. On his arrival, he inquired if the doctor had been to see his nephew, and on being told by the landlord that the bell of Readley's bed-chamber had not been rung, he proceeded to the young man's room—number seven. He tried the door, but found it was locked. He looked through the keyhole, and, as he saw smoke and smelt it, he cried : ' Help ! Help ! ' at which everybody ran upstairs. On breaking open the door, a sad spectacle met their gaze. The young man was lying dead in bed, and perfectly naked. Risk Allah tenderly placed the coverlet upon the body. A gun was seen beside the bed, and on the table was found a slip of paper, on which were written these words : ' I've done it. ' ”

The learned counsel next addressed himself to the merits of the trial that took place abroad. He said :

“ The whole question was, whether this was a murder or a suicide, and a great deal depended upon the position of the body, of the gun, and of the wound. A commission has been granted from these Courts, and a great volume of evidence has been taken. The witnesses have been examined and cross-examined by Mr. Montagu Williams on the one side, and Mr. Baker Greene on the other. The whole of that evidence has been returned in the form of depositions, and it will be laid before the jury during the trial. . . . Risk Allah always declared it to be a suicide ; the magistrate who examined him declared it to be a suicide ; the

jury who tried him in Brussels declared it to be a suicide ; but *The Daily Telegraph* insisted by their innuendoes that it was a murder. . . . Of course it will be asked whether Risk Allah gained anything by the death of the boy. The answer is that he did. He was the residuary legatee, and was entitled on the boy's death to the £5,000."

The Serjeant next referred to the alleged forgery, and stated that Risk Allah had become acquainted with a man named Osborne Affendi, and that, believing him to be a man of high position in the mercantile world, and a gentleman, he had placed the most implicit confidence in him. This man, however, turned out to be a most experienced and abandoned forger ; and Risk Allah became his dupe on several occasions. Those were the facts ; but it had been alleged at the trial, and afterwards repeated by *The Daily Telegraph*, that Osborne Affendi and Risk Allah were accomplices in forgery. This acquaintance with Affendi had, the learned counsel declared, been the most unfortunate circumstances in his client's career. It had led to his arrest in Paris, and to his subsequent trial at Brussels.

Coming to the defence, Parry said :

"The defendants, by their plea, have said they are not guilty of publishing the libel. They do not say they are justified in publishing it because it is true—which they might have done—but they put forward what is an evasive plea. They will endeavour to induce you to say that Risk Allah was really guilty of the offence ;

that general evidence warranted them in thinking him so; that the comments were such as an honest and impartial journalist might make. This is really the issue you will have to try."

Parry then read the various passages from *The Daily Telegraph*, on which he relied, and finished his opening by saying: "Now, in actual terms, there is not a direct statement against the plaintiff; but by insinuation and innuendo there is. What the plaintiff complains of is the account given of the trial by the correspondent, and by the writer of the leading article. They are both shrouded in that anonymity in which writers of the Press desire to screen themselves, and no doubt they will not appear to tell you—the one, whether he was in Court during the trial; the other, whether he wrote from honest conviction. Risk Allah has not to contend with living witnesses, but with *The Daily Telegraph*. Gentlemen, *The Daily Telegraph* boasts, and probably truthfully boasts, of having the largest circulation of any paper in the world; wherever it reaches, these slanders have been read and have been commented upon in a spirit not favourable to my client. The forces against him are almost overwhelming. I hope we shall hear nothing about the liberty of the Press in this inquiry. The question is not that liberty, but whether the Press has improperly invaded private character, and whether it has—after a man's life has undergone a great public investigation by a thoroughly competent tribunal, and



he has been declared innocent of the charges brought against him—attacked and assailed him again, and reiterated the charges. If Risk Allah had been guilty, there was nothing for him to do but to retire into such obscurity as he might be able to find. If he were conscious of guilt, would he have taken the course he has now adopted? From the moment that he was questioned by the French spy—who, when he was originally arrested at Brussels, visited his dungeon for the purpose of interrogating him—down to the present time, he has asserted his innocence, and done everything that was possible to convince others of it. He has challenged a powerful newspaper in this country to attempt to prove his guilt, and he comes before you for the vindication of his character. He tenders himself for a severe inquiry into his whole life. That inquiry will be made by some of the ablest counsel at the Bar, who are arrayed against him. Gentlemen, you will have to decide between the defendants who have sullied, and him whose character has been sullied; you will have to say where truth and justice lie between these two parties, and I believe that the most fearless man in the Court is my client, Risk Allah, who has heard everything that has been said; and I cannot help believing that that fearlessness springs from a consciousness of his innocence.”

The first witness called was Risk Allah himself, and he was examined and cross-examined at enormous length. The cross-examination, indeed, lasted for several

days. The depositions from Brussels were then read, and other witnesses were called. The evidence at an end, Serjeant Parry proceeded to review it, and on the afternoon of June 20th, Mr. Coleridge commenced his speech for the defendant, and a most exhaustive speech it was. The Lord Chief Justice afterwards summed up; and those who were present, and had known his lordship both as an advocate and a Judge, characterised the summing-up as a masterpiece, even for him. The jury retired to consider their verdict, and after an absence of two hours they returned into Court. The foreman stated that they had agreed that the verdict should be for the plaintiff, but that on the matter of damages they were eleven to one. He asked whether counsel on both sides would accept the verdict of the eleven. It so happened that I was the only person present representing the defendants; and though Mr. Baker Greene assented to the verdict, I, in the absence of my leaders, declined the responsibility of doing so. The jury accordingly again retired, and returned half an hour later, with a verdict for the plaintiff upon both issues, damages being given at £960.

## CHAPTER XXVII.

ADHUC SUB JUDICE LIS EST.

Long cases and large fees : Mr. Coleridge's observation—Chief Justice Cockburn's remarks about the Press—What another Chief Justice said : "Who is Mr. Corney Grain?"—*The Daily Telegraph's* leading article—The necessity for a Court of Criminal Appeal—Instances of how it would have been useful—Should defended prisoners address the jury?

It was during the progress of the Risk Allah trial that Mr. Coleridge, who was then in very large practice, turning to me, said :

"When you have had my experience at the Bar, you will pray not to be afflicted with these long trials. They never pay, large as the fees may be, and they keep you out of every other business."

Another matter to which I cannot help alluding was the charming manner in which Chief Justice Cockburn, during the trial, went out of his way to praise the Press of this country generally, and to gracefully allude to the manner in which *The Daily Telegraph* was conducted. How different from another Chief Justice who subsequently observed in another trial : "I never read *The Daily Telegraph*." But then the

same authority, during the same trial, observed: "Who is Mr. Corney Grain? I never heard of Mr. Corney Grain!"

In the issue in which *The Daily Telegraph* recorded the result of the trial, a leader upon it appeared, and I cannot refrain from quoting portions of it.

"It is not only," said *The Daily Telegraph*, "by Courts of Law that these delicate questions of journalistic duty are settled. There is a tribunal of appeal to which, without complaint against the legal tribunal, we proudly carry our case. The public is the real judge of all such cases, and no judgments but those of the public can condemn its own faithful representatives." Later on, the article proceeded: "His lordship softened the condemnatory tone of his charge with eulogies, which we might quote with pride, if it were needful to go to that high standard of estimation to vindicate the labours and the spirit of this journal. We accept the weight laid upon us in words like these: 'The higher the character of the paper, the larger its circulation, and the more extensive its influence, the more serious are the consequences to the individual whom it wrongs.' The jury of public opinion do not hold that *The Daily Telegraph* would, if the error could be avoided, brand an innocent man with murder. The jury of public opinion do not believe that, to spice a paragraph or season a column, *The Daily Telegraph* would trifle with a man's hope of life. The court of public morality has not condemned us in this matter,

and while we deserve and have the unbounded confidence of the public, a fine like this for a duty done towards the English people can be sustained without a murmur, and will not make us afraid to write what we believe to be the truth."

There are some remarks I desire to make with reference to the necessity for establishing in this country a Court of Criminal Appeal, and, perhaps, had I only thought of it in time, those remarks would most fittingly have followed upon the account I gave of the circumstances connected with the Hatton Garden murder. It will be remembered that, in that case, a remarkable dead-lock was brought about. A man named Pelizzioni was tried for murder and found guilty. While he lay in the condemned cell, facts came to light which gave rise to the belief that another man, of the name of Gregorio, was the real author of the crime. Gregorio was thereupon tried and also found guilty, not actually of murder, but of manslaughter. It was, indeed, a situation that would have been ludicrous but for its solemn character. As I explained at the time, an ingenious way out of the difficulty was happily discovered. There had been a lesser indictment against Pelizzioni, on which, of course, he was not tried after being found guilty of the capital offence, and the authorities now bethought themselves of the expedient of reviving this indictment. Thus it came about that, in all, three trials took place.

There would have been no necessity for more than

one trial had a Court of Criminal Appeal been in existence. By a Court of Criminal Appeal I mean a Court having the power to review a verdict or sentence in the light of any facts that might transpire after the trial. There is already a Court for the consideration of Crown Cases Reserved, but it has only to decide questions of law, and that only when the Judge consents to hold any particular point over. For years, the reform for which I am pleading has been demanded of successive Governments; but the matter remains *in statu quo*. Session after session the excuse is made that the Irish Question so occupies the time and attention of the House of Commons that it has not a spare moment for home legislation of the description referred to. One, at last, is forced to ask oneself the question: Are the liberty of the subject, and a question of life and death, mere secondary considerations? It certainly would appear so. As I am writing a matter is engrossing the attention of the public, which is very much *à propos* of the subject under consideration. An unhappy woman is, at this moment, lying under sentence of death at Liverpool for the crime of poisoning her husband. She has been tried by one of the ablest and most conscientious Judges who ever sat upon the Bench, and regarding whom I may say that, in criminal matters, he is second to none. His "Digest of Criminal Law" is the ablest book of its kind that has appeared. One learns that, after a long and patient investigation, and after the accused had been found guilty, a scene took place in the city where

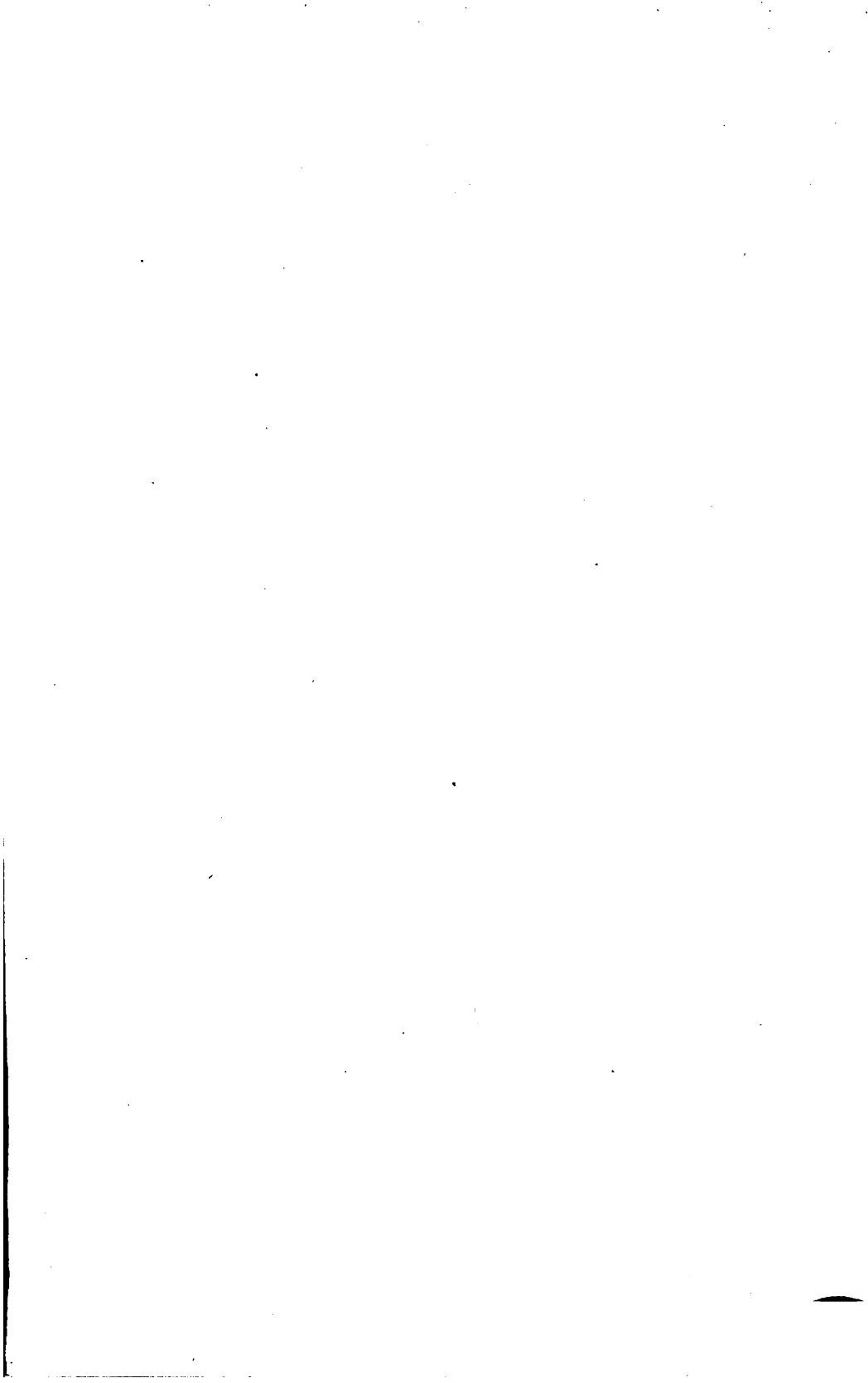
she was tried, which I am glad to say is, so far as I know, without a precedent. The Judge, upon leaving the Court, was hooted and hissed by a turbulent mob. Again, for some reason or other, persons who are in no way concerned in the matter—the majority of them being in complete ignorance of legal affairs—are cavilling at the justice of the sentence, and insisting that the whole trial is eminently unsatisfactory. With some surprise I see that the Bar of the circuit have originated a petition to the Home Secretary, and it is, I gather, now lying at the Assize Court for signature. I cannot help thinking that this is a very dangerous precedent, and that, if this sort of thing is to go on, the due course of justice will be seriously impeded.

In connection with the case in question, there is another point to which I would briefly refer. Should an accused person, besides having a speech made on her behalf by her counsel, be permitted to make a statement herself? Judges differ widely upon this question. In the early part of my professional career, I never knew of this course being taken. Later on, however, I was aware, on more than one occasion, of such a statement being made, the practice having, I believe, originated with Mr. Justice Hawkins. Personally, having regard to my clients' interests, I would never permit such a thing. I do not desire to discuss the matter here; but I may say most emphatically that, in my opinion, it is a fatal mistake to allow a prisoner to address the jury when he has counsel

to do so for him. When I have seen this course adopted, it has generally been by the sanction of counsel who, however excellent they may be as *nisi prius* advocates, are mere amateurs, so to speak, in great criminal cases. As a rule, they have been afraid of what, in their eyes, was a losing case, and they have felt that they avoided a grave amount of responsibility by allowing the accused to make his or her own statement. The questions as to whether a prisoner should be allowed to give evidence himself and to be examined upon oath, and as to whether a wife should give evidence on behalf of her husband and be sworn in the same way as any other witness—these are questions that can only be settled by the Legislature.

END OF VOL. I.





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